

## 1.14.3 Confidential Reporting (Whistleblowing)

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### Regulations and standards

#### England

- [Regulation 12: The protection of children standard](#)
- [Guide to the protection of children standard](#)
- [Regulation 31: Staffing of children's homes](#)
- [Regulation 32: Fitness of workers](#)

#### Wales

- Regulation 65: Whistleblowing  
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/65/made>
- Regulation 36: Supporting and developing staff  
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/36/made>

### Policy

Our organisation exists to look after children with a range of complex needs these include those that have experienced neglect/abuse or have learning, communication difficulties. Crucial to our success is the dedication, professionalism and skills of our staff.

However, our work with vulnerable children places staff in positions of power. In order to retain the trust of those we are trying to help, it is essential we take all reasonable steps to ensure this power is exercised responsibly.

We will ensure our systems for recruitment and management reflect this responsibility. We will also ensure that a climate exists in which concerns are taken seriously and dealt with thoroughly and fairly.

**NOTE:** All staff members have a duty to raise concerns about inappropriate practice or mistreatment of Children - also see Child Protection Referrals Procedure. Not to do so amounts to collusion and may result in disciplinary action.

### RELEVANT CHAPTERS

**Child and Adult Protection Procedure**  
**Allegations Against Staff Procedure**

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## 1. Purpose of this Procedure

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Confidential Reporting is also referred to as 'Whistleblowing'.

Staff have the right and the responsibility to raise genuinely held concerns about abuses of power and trust by colleagues towards:

1. Children using our services;
2. Any other children;
3. Adult Service Users
4. External professionals (e.g. Social Workers);
5. Other employees.

Any concerns that a colleague might or has been mistreating or abusing a child must always be reported, see Child Protection Referrals Procedure.

This procedure is designed to ensure that other (non abusive) genuinely held concerns are raised and are effectively addressed.

The procedure will also apply to people involved in working with us though not employed by the Company (e.g. consultants, students on placement etc).

Any concerns about the actions or behaviour of such staff should be reported in accordance with using the procedure and the Home Manager receiving the concern should pursue the matter with the employer or placing college of the person about whom concerns have been raised.

No one exercising their responsibilities under this procedure and in good faith will be penalised for doing so. Any attempt to victimise employees for raising genuine concerns or to prevent such concerns being raised will be regarded as a disciplinary matter.

Any attempt to abuse this procedure by maliciously raising unfounded allegations will also be regarded as a disciplinary matter.

The Speak Out Policy does not:

- Require employees to prove that their suspicions are well founded; nevertheless they should have reasonable grounds for their suspicions;
- Replace the Supervision Procedure; however where concerns are discussed through the supervision process which require formal application, this Confidential Reporting Procedure should be adopted;
- Replace the Grievance Procedure which is available to employees concerned about their own situation;
- Replace the Disciplinary Procedure, although the Policy may lead on to disciplinary proceedings.

The Policy does require management to act quickly and appropriately where there are concerns about:

- a. Children using our services;
- b. Any other children;
- c. Adult service users;
- d. Other employees.

## **2. Using the Procedure**

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**NOTE:** Any concerns relating to possible mistreatment or abuse of a child must be reported via the Child Protection Referrals Procedure.

### **2.1 How do I raise concerns?**

You should raise them with your Home Manager or, if you prefer, with the line Manager for the Home.

### **2.2 What if I feel unable to speak to either my Manager or his/her Manager?**

You should talk to another manager or you could contact Public Concern at Work.

### **2.3 What happens when I raise my concerns?**

This will depend largely on the nature of the concerns you raise. However, in all cases, the Manager, or other person, with whom you raise your concerns will arrange to meet you as soon as possible and away from the workplace, if necessary, to enable you to explain fully what your concerns are and why you have them. We will ask you how you wish to see the concern resolved and whether you would want to be told about how we will conduct the investigation. The Manager will tell you either at that meeting or as soon as possible afterwards, what action will be taken in response to the issues you have raised. You will be told the outcome of any investigation into your concerns. Sometimes, however, it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party. Where action is not taken, you will be given an explanation.

### **2.4 Can I bring someone to support me when I meet the Manager to discuss my concerns?**

Yes, but because issues raised under this procedure will often be of a sensitive nature, you should discuss the matter with as few people as possible.

### **2.5 How long will it take for my concerns to be addressed?**

This will depend on the nature of the issues you raise. Wherever possible, the matter will be addressed within 28 days of you raising it.

### **2.6 What can I do if I am unhappy with the actions taken in response to the concerns I have raised?**

If you do not agree with the way your concerns have been dealt with by Management, you may in the first instance notify the Designated Manager (Confidential Reporting). Alternatively, you may seek advice from Public Concern at Work, a charity which provides free independent legal advice to staff and others who wish to raise concerns about the workplace.

### **3. Managing the Procedure**

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#### **3.1 What do I do as a Manager if concerns are raised with me?**

- a. You must arrange to meet the person raising the concerns as quickly as possible to establish exactly what the concern is and understand what has given rise to it;
- b. You need to consider carefully where the meeting should take place and allow the person raising the concerns to be accompanied by an appropriate friend or colleague, if that is their wish;
- c. You must make a note of your conversations with the person raising the concerns and agree the accuracy of that note with them;
- d. You must be sensitive to the fact that the person concerned may feel uncomfortable about raising issues with you regarding a colleague or a manager;
- e. You must consider and address the support needs of the person who is the subject of the concerns and of the person raising them;
- f. If a person disclosing a concern wishes their identity to be confidential, you ought to provide reassurance that their wish will be respected. You should explain that you will not disclose their identity without their consent unless a Court Order requires this. You should also explain that it may not always be possible to take all the necessary action if their identity is to remain confidential;
- g. You must prioritise the process of dealing with the issue remembering that, wherever possible, it should be addressed within 28 days of the matter being raised with you.

#### **3.2 What do I do once I have established what the concerns are?**

If the issue appears to be of a relatively minor and straightforward nature, you may decide to resolve it informally and directly with the individual who is the cause of the concerns.

If the issue appears to be complex or more serious, you must first consider whether any immediate action is necessary to protect the needs of the child, or other service users. (This may include referring the matter to the Police and/or initiating Child and Protection Referrals Procedure. If the concern relates to the welfare of a child and you do not feel able to respond, you should seek advice on how to proceed from the Designated Manager (Confidential Reporting)).

You must then decide how the issue is to be investigated and must arrange for that investigation to take place as quickly as possible.

You must inform the person raising the concerns of the action that you have taken and of the outcome of any investigation.

#### **3.3 What do I do if I have no line management responsibility for the individual who is the cause of the concerns?**

You must refer the matter to an appropriate manager with responsibility for the individual who is the cause of the concerns. However, in considering who to refer the matter to, you should take account of the level of seriousness of the concerns and any reservations expressed by the person raising them

about who they should be referred to. If you are left with any uncertainties, you should talk to the Designated Manager (Confidential Reporting).

### **3.4 Who notifies the person raising the concern of the outcome of any investigation if I refer the matter to the Line Manager of the individual who is the subject of the concerns?**

You must decide which of you will do this in your discussions with the Line Manager or the Designated Manager (Confidential Reporting) of the person who is the cause of the concerns. If confidentiality is an issue, then it will be necessary for you to advise the person raising the concern of the outcome of the investigation. If not, it may be most appropriate for the Manager initiating the investigation to do so. Either way, the employee raising the concerns should be told before the investigation begins, if possible, who will notify her/him of its outcome.

## **4. Recording**

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A record of concerns raised under this procedure together with a record of action taken in response will be retained on the personal files of the complainant and the person complained about for as long as those files are retained. The record on the file of the person complained about will exclude the identity of the complainant in cases where anonymity has been maintained.

## **5. Confidentiality**

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This Procedure has been designed to ensure that employees can feel confident that they can raise concerns about malpractice and that those concerns will be properly and effectively dealt with within the Company.

It is preferable that a serious concern is raised responsibly rather than not at all. If you are uncertain about who to approach with your concerns, you should seek advice from your Trade Union or Public Concern At Work.

## **Revision History**

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Date last updated: October 2020

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**End**

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