



EMBRACE CARE

COMPASSIONATE CARE • LIFELONG CAREERS • HONEST COMMUNICATION

Document Control

Issue No: 1

Issue Date: 18/11/2024

## Embrace Care's Residential Children's Homes

# Whistleblowing and Raising Concerns at Work Policy

<b>Children's Homes Regulations 2015</b>	5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45
<b>Quality Standards</b>	All
<b>Quality Standard Topic areas</b> <b>Engaging with the wider system:</b> Partnership working by the home and others involved in the child's care. Challenging any poor practice or decisions that are not in the child's best interests. <b>Quality and Purpose:</b> Monitoring and improving outcomes. The design of the home. <b>Children's wishes and feelings:</b> Development and maintenance of positive relationships. Children's voices at the heart of care. Complaints procedures. <b>Education:</b> Children make measurable progress to achieve their educational potential. Teams understand barriers to learning for children and young people. <b>Enjoyment and achievement:</b> Children enjoy meaningful activities. Children build positive relationships with adults and peers. <b>Health and Wellbeing:</b> The health needs of children are met. Workforce well-being and enablement. <b>Positive relationships:</b> Children are helped to develop positive, respectful relationships. Children are supported to understand their own behaviours and expectations around these. Staff understand children's previous experiences. Staff understand the needs of the children in their care. Implementing appropriate and respectful boundaries.	



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**Protection of children:**

Safeguarding.

Learning culture.

Children are enabled to keep themselves safe.

Risk assessment.

**Care planning:**

Positive experiences for children.

Risk Assessment.

Positive Behaviour .

Trauma Informed Care.

**Leadership & Management:**

Shared direction and culture.

Governance, management and sustainability.

Workforce equality, diversity and inclusion.

Partnerships and communities.

Oversight and monitoring of care delivered.



## Contents

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1. Introduction and definition.
2. What to do.
3. Child Protection.
4. Managing Procedure.
  - 4.1 Manager Responsibilities.
  - 4.2 Establishing Concerns.
  - 4.3 What to do if you are not the line manager of the individual.
  - 4.4 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 subject to the concerns.
5. Further information.



## Scope of this chapter:

This Whistleblowing policy is made known to all staff in the Home.

Staff should report to an appropriate authority any circumstances within the Home which they consider likely to significantly harm the safety, rights or welfare of any child living in the Home.

This chapter informs Team Members how to report any wrongdoing at work or 'blow the whistle' without fear of being victimised or dismissed. Whistleblowing is intended to cover concerns that fall outside of issues dealt with under the Complaints by and On Behalf of Children Procedure. See also: Allegations Against Staff Procedure.

Any concerns that a colleague might or has been mistreating or abusing a child must always be reported, see Safeguarding Children and Young People and Referring Safeguarding Concerns Procedure.

## 1. RELEVANT REGULATIONS

[The Leadership and Management Standard](#)  
[The Protection of Children Standard](#)

## 2. RELATED GUIDANCE

[Complaints by and On Behalf of Children](#)  
[Allegations Against Staff](#)

[Safeguarding Children and Young People and Referring Safeguarding Concerns](#)



## 1. Introduction and Definition

The importance of raising concerns at work in the public interest or 'whistleblowing' is recognised by the Home.

The Public Interest Disclosure Act 1998 provides legal protection against workers suffering detriment as result of making a 'protected disclosure'. A 'protected disclosure' is when a 'worker' makes a 'qualifying disclosure' - often known as 'whistleblowing'.

A 'qualified disclosure' means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health or safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged; or
- That information tending to show any matter falling within any one of the preceding paragraphshas been, is being or is likely to be deliberately concealed.

The disclosure can relate to wrongdoing that has happened in the past, is presently happening or which the worker believes will happen in the near future.

The disclosure must be made in good faith: the worker must not commit a criminal offence by making the disclosure; they must reasonably believe the information disclosed to be substantially true; the disclosure must not be made for personal gain; in all the circumstances of the case, it must be reasonable for the worker to make the disclosure.



Failure to follow this policy for making a disclosure may result in the disclosure of information losing its protected status.

A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by their employer on the ground that the worker has made a protected disclosure. For example, they must not be treated unfairly by the Home as employer or be dismissed from their employment because they have made the disclosure.

It is important for individuals to feel safe and listened to when raising concerns. The Home adopts an open approach to whistleblowing which promotes the values of openness and transparency and encourages employees to treat service users with dignity, respect and compassion. In that way, the wellbeing and safety of service users and the provision of good care become part of the culture, and are seen as "the way we do things around here".

From the Home's point of view, there are good business reasons for listening to workers who raise concerns, as it gives an opportunity to stop poor practice at an early stage before it becomes normalised and serious incidents take place.

From the worker's perspective, the freedom to raise concerns without fear means that they have the confidence to go ahead and "do the right thing". It is part of encouraging workers to reflect on practice as a way of learning.

## **2. What to Do**

Before making a disclosure, or at any time during the process, workers can contact support organisations for advice, see [Further Information](#).

Workers should raise their concerns with the Home Manager so that any appropriate action can be taken. If it is inappropriate to be shared with the Home manager, for example if the concerns are about them or a relative, Team Members should speak with a different member of the management team or raise their concerns directly with the Home's Responsible Individual.

Disclosures can be made anonymously, although this may make it difficult in practice for the matter to be investigated if insufficient information has been given. If confidentiality is requested when making a disclosure, then every effort



should be made to protect the identity of the whistleblower, although they should be advised that this may not always be possible. If it is not possible to withhold their identity, then, wherever possible, they should be notified of this as soon as possible.

After the matter has been raised, the matter will be looked into and where appropriate an internal inquiry or formal investigation will be carried out. The worker will be advised what will happen next, the likely timescale and arrangements made for contacting the worker and keeping them informed. Workers will be advised of the outcome to the extent that it is appropriate to do so, although it may not be possible to include precise information as to the outcome as this may be in breach of the Home's duty of confidence owed to someone else. A report of an outcome should be provided.

If the worker is not satisfied with the outcome they can then contact the manager who deals with complaints or the Home's Responsible Individual.

If the worker feels that their concern has not been addressed or the issues have not been resolved to achieve a solution and positive outcome, and that there are no further avenues for pursuing the matter within the Home, then they can make a disclosure to a 'prescribed person'.

Prescribed persons include:

Children's Commissioner for England

Contact them about matters relating to the rights, welfare and interests of children in England. The Office of the Children's Commissioner

Sanctuary

Buildings 20

Great Smith

Street London

SW1P 3BT

Tel: 020 7783 8330

E-mail: [info.request@childrenscommissioner.gov.uk](mailto:info.request@childrenscommissioner.gov.uk)

Website: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)



## Ofsted

Contact them about matters relating to regulation and inspection of children's social care. Ofsted

Piccadilly  
GateStore  
Street  
Manchest  
r M1 2WD

Tel: 0300 123 3155

E-mail: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

The National Society for the Prevention of Cruelty to Children (NSPCC)  
Contact them about matters relating to child welfare  
and protection. NSPCC

Weston  
House 42  
Curtain  
Road  
London  
EC2A 3NH

Tel: 0800 028 0285

This phonenumber is sta!ed 365 days a year:

- Mon-Fri (incl. bank holidays) 8am to 10pm;
- Weekends 9am to 6pm.

E-mail: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Website [www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/](http://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/)





## The Health and Safety Executive

Contact them about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

Tel: 0300 003 1647

Online form: [www.hse.gov.uk/contact/concerns.htm](http://www.hse.gov.uk/contact/concerns.htm)

## Health and Care Professions Council

Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the Health and Care Professions Council, or any other activities in relation to which the Council has functions.

Health and Care  
Professions Council  
House

184-186 Kennington Park  
Road

London

SE11 8BU

Tel: 0845 300 6184

Website: [www.hcpc-uk.org](http://www.hcpc-uk.org)

### 3. Child Protection

The Home is committed to promoting and safeguarding the welfare of children. Any matter that comes to the attention of staff, and is of a child protection nature will be reported to the relevant authorities under the [Safeguarding Children and Young People and Referring Safeguarding Concerns Procedure](#).

Where a Team Member considers that a child protection matter has arisen within the Home and has not been dealt with appropriately, they may make use of this procedure and report matters of concern to the senior manager within the Home, or a report can be made to the local authority (for the area where the child is placed or the relevant person lives) or to the Regulatory Authority (Ofsted).



## 4. Managing the Procedure

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

1. 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;
2. 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;
3. You must make a note of your conversations with the person raising the concerns and agree the accuracy of that note with them;
4. 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;
5. You must consider and address the support needs of the person who is the subject of the concerns and of the person raising them;

If a person disclosing a concern wishes their identity to be confidential, you should advise them that this may make it difficult in practice for the matter to be investigated if insufficient information has been given; that every effort will be made to protect the identity of the whistleblower, but that this may not always be possible. If it is not possible to withhold their identity, then, wherever possible, they will be notified of this as soon as possible.

6. 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.



## **42 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 a referral to Children's Social Care. 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 (Whistleblowing).)

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.

## **43 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 (Whistleblowing).



#### **44 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 (Whistleblowing) 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 them of its outcome.

## **5. Further Information**

Legislation, Statutory Guidance and Government Non-Statutory Guidance

[Raising Concerns with Ofsted about Children's Social Care Services: Policy and Guidance for Whistleblowers \(GOV.UK\)](#)

[Whistleblowing for Employees \(GOV.UK\)](#)

Good Practice Guidance

[Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health and Social Care \(BASW\)](#)

Useful Websites

[Protect - Speak Up, Stop Harm](#) - Free, confidential whistleblowing advice  
[NSPCC Whistleblowing Advice Line](#) - Support for professionals who are worried about how child protection issues are being handled in their workplace.

[Speak Up](#) - Support for NHS and Social Care Employee





