



WHISTLEBLOWING POLICY

Date of Policy: October 2024



Policy Statement

This policy sets out the principles and values underpinning Unique Care Homes Ltd.'s approach to whistleblowing.

The policy is aligned to the Wales Safeguarding Procedures, Public Interest Disclosure Act 1998 Social Care Wales Code of Practice, Education Workforce Council Code of Professional Conduct and the Health and Care Professions Council Whistleblowing Policy, Social Services and Wellbeing (Wales) Act 2014. Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 and the Welsh Government Guidance Document Procedures for Whistleblowing in Schools and model policy (updated 2023)

Unique Care Homes Ltd sets high standards in relation to the quality of care, therapy and education offered to the children in our care. To achieve best outcomes for children and young people it is essential that they are properly protected, and that employees can undertake their role within a safe environment. Therefore employees, need to be aware of the impact of their own behaviour and be vigilant in relation to the conduct of others to Safeguard the children in our care.

This policy is intended to clarify Unique Care Homes Ltd expectations in relation to the conduct of employees towards children and young people and each other and to provide guidance on how to proceed if there are concerns about these issues.

Principles

- The welfare and Safeguarding of children and young people is the paramount consideration of Unique Care Homes Ltd 's employees.
- Every child, young person and employee has an equal right to be free from abuse, fear, threat or discrimination.
- Each employee is responsible for their own behaviour and accountable for their actions.
- Every employee (at whatever level) has a responsibility to monitor the conduct of their colleagues (at whatever level) and a right and a duty to report any concerns.
- All concerns, complaints or allegations relating to staff conduct raised by children and young people, or other employees will be taken seriously and investigated thoroughly.
- Employees who raise concerns about colleagues' conduct should be afforded the highest level of confidentiality possible and protected from any recriminations or reprisals.
- Employees under investigation due to the Whistleblowing Procedure have the right to receive appropriate support during the process.

Aims

- To safeguard and promote the welfare of children and young people looked after by Unique Care Homes Ltd and to ensure they are protected from malpractice, negligence or unprofessional conduct.
- To ensure that Unique Care Homes Ltd meets the requirements of the Wales Safeguarding Procedures" Wales Safeguarding Procedures, Public Interest Disclosure Act 1998 Social Care Wales Code of Practice, Education Workforce Council Code of Professional Conduct and the Health and Care Professions Council Whistleblowing Policy in relation to Whistle blowing.
- To confirm that Unique Care Homes Ltd takes the issue of professional abuse seriously and is proactive in dealing with it.



- To make explicit the framework within which concerns about employee conduct will be managed.

Objectives

- To ensure that children and young people are cared for with respect and in a way that reflects that their welfare is paramount.
- To make explicit to employees their responsibility to bring to the attention of managers any concerns they have about the conduct of colleagues.
- To promote a culture of care in which children, young people and employees can raise issues of concern about professional conduct without fear of recriminations or reprisals.
- To ensure that all concerns about employees conduct towards children and young people are appropriately addressed and resolved in line with relevant procedures.
- To protect employees from malicious allegations of misconduct

Definition

Whistle blowing- an action on the part of one employee who brings to the attention of a manager an act of commission or omission by another employee in relation to either his/her conduct towards children and young people or which is in breach of the Social Care Wales Code of Practice, Education Workforce Council Code of Professional Practice and Conduct or Health & Care Professions Council registration.

- An act of commission - doing something that should not be done.
- An act of omission - not doing something that should be done.

Scope

This policy applies to all employees at all levels in all locations and roles throughout the company. It is to be used alongside related policies on Safeguarding, complaints, grievance, and disciplinary matters.

Typically, the following concerns will invoke the use of this policy:

- Sexual or physical abuse of children and young people by employees
- Dangerous practices or procedures which expose children and young people to the risk of serious harm.
- Conduct which falls below accepted standards of practice which is harmful or disrespectful to children and young people.
- Behaviour which is in breach of relevant Code of Practice
- Unauthorised use of funds
- Harassment and bullying by staff towards children and young people, or colleagues.

N.B. This is not an exhaustive list.

Presentation

Employees have both a right and a responsibility to address concerns about the behaviour of colleagues towards each other and towards children and young people. This responsibility is so important that a failure on the part of an employee to pass on concerns might lead to disciplinary action being taken against them.



Concerns about the conduct of an employee will arise at one of the following levels:

- (i) behaviour which is unacceptable but not necessarily harmful e.g., inappropriate self-disclosure, swearing within a young person's hearing but not directed at him/her.
- (ii) behaviour which is unprofessional and may be harmful e.g., the use of racist or homophobic/disablist language, inappropriate physical contact etc.
- (iii) behaviour which is highly unprofessional and likely to cause (or to cause) significant harm e.g., striking a young person, exposing a young person to danger, sexually inappropriate language or behaviour.

If concerns arise at level (i) employees should seek to address this using feedback given directly to the individual involved and follow up by reporting to their manager. This expectation applies to employees at all levels i.e. it is acceptable for a junior member of staff to provide feedback to a more senior member of staff in relation to their conduct. In any circumstances the employee raising the concern should keep a record of the concern itself and the outcome of the conversation with the colleague who caused the concern.

If concerns arise at levels (ii) or (iii) employees should bring this to the attention of their manager immediately. If the concerns are about the manager, the matter should be raised with his/her line manager. If staff feel unable to address the matter internally or the concerns are about a director these should be raised with Care Inspectorate Wales, the relevant professional registering body, Children's Commissioner for Wales or Local Safeguarding Team. You may also consult with Estyn or Welsh Government.

The Local Safeguarding Team's details can be obtained by contacting the local social services department in the area in which you reside or where the children's home or school is located.

Care Inspectorate Wales 0300 790 0126
Children's Commissioner for Wales 01972765600
Social Care Wales 0300 30 33 444
Estyn 029 20446446
Education Workforce Council 02920460099
Health and Care Professions Council 03005004472

If concerns relate to the behaviour of a person in another organisation or agency (for example a Social Worker or Inspector), the Manager should be notified in the first instance. The Manager will assist in the making of the complaint if it seems appropriate. If the matters are not resolved, the whistle blower can contact the relevant agency as described above.

All allegations or concerns about employees' conduct raised through this policy will be taken seriously and investigated thoroughly.

Management

If concerns emerge at level (ii) or above, the information should be brought immediately to the attention of the Operations Manager or Head Teacher who will decide whether further investigation is necessary and if so:



- who will conduct the investigation?
- who will be interviewed?
- timescales
- whether there is a need to suspend*

At an appropriate point in the investigation the person who is the subject of the allegation will be informed of its content and be given the opportunity to comment. They have a right to be supported by a work colleague or union representative throughout the process.

If during the investigation it becomes clear (or there are concerns) that the matter should be dealt with at level (iii) the investigation will be suspended and referred to the Service Director / Designated Safeguarding Officer (DSO) to progress in line with the Wales Safeguarding Procedures

If the concerns emerge at level (iii) they will immediately be referred to the Service Director DSO who will liaise with the Local Safeguarding Board to progress the investigation in line with the Wales Safeguarding Procedures and if they relate to a Children's Home, the relevant Notifications will be made to CIW. A decision will also be made on whether the employee under investigation will be suspended without prejudice during the investigation.

The Designated Safeguarding Officers are:

Designated Safeguarding Officer – Helen Argyle (Service Director)

Timescales

Concerns raised at level (i) should be addressed as soon as is reasonably practicable i.e. the same or the next working day.

Concerns raised at level (ii) will be investigated within 5 working days and the person causing concern informed of the outcome.

Concerns raised at level (iii) will be managed through the Wales Safeguarding procedures and the timescales appropriate to that process will apply.

Outcomes

At the conclusion of the investigation at level (ii) the Investigating Officer will provide a written report to the Service Director (unless the investigation relates to this person in which case the report will be provided to the person specified). If the allegation is not substantiated the individual concerned will be informed, and if suspended, reinstated.

If the allegation is substantiated, the Service Director will decide about whether to invoke the Disciplinary Procedures and take the necessary action.

Following an investigation at level (iii) there are four possible outcomes:



- allegation unsubstantiated
- action under Unique Care Homes Ltd Disciplinary Procedures
- a Child Protection Inquiry
- a police investigation

If it is decided to progress a child protection and/or police investigation, action under the Disciplinary Procedures will be deferred pending the outcome.

If at the conclusion of investigation at level (ii) and (iii) a decision is made to invoke disciplinary measures under no circumstances will the child or young person who is the subject of the allegation be involved.

In addition, a referral to the Independent Safeguarding Authority will be made where the outcome of the matter addressed is that the individual be removed from working with/caring for children and young people.

Recording

For concerns addressed at level (i) the employee who raises the concern should keep their own record of the concern itself, the date it arose, the date it was addressed with their colleagues and the response they received.

For concerns raised at level (ii) or (iii) these will be recorded by the person carrying out the process and immediately forwarded to the Service Director/ Designated Safeguarding Officer.

During investigations of level (ii) the individual against whom the concern is raised will receive a copy of the concern in writing, information on how the concern is to be investigated and notification of the outcome.

For concerns raised at level (iii) the individual causing concern will be given information in line with the Wales Safeguarding Procedures.

Safeguards

- Confidentiality – Unique Care Homes Ltd will, as far as possible protect the identity of the individual raising concern if that is their wish. It must be acknowledged however that during the investigation the origin of the concern may become evident or the person raising the concern may be requested to provide a statement of evidence (particularly at level (iii)) to progress the investigation.
- Harassment/Victimisation – Unique Care Homes Ltd acknowledges that it is often difficult to raise concerns about colleagues'/superior's conduct and that sometimes considerable moral courage is required. Unique Care Homes Ltd regards such acts as positive contributions to the protection and welfare of children and young people and would wish to encourage employees to raise any concerns they may have.



- Under no circumstances will Unique Care Homes Ltd tolerate the victimization, harassment or ostracism of employees who raise concerns under this policy. If following an allegation there is any evidence of such behaviour, then action will be taken to protect the individual who raised the concern and address the conduct of those responsible through the disciplinary procedures.
- Malice and Mischief – Unique Care Homes Ltd would wish to encourage employees to bring forward their concern in relation to their colleagues conduct but must beware of bogus allegations or those made to deliberately damage the reputation of others or of the company.
- If an employee raises a concern in good faith which is not subsequently upheld by the investigation, then no action will be considered or taken against the person raising the concern. If, however, the investigation reveals evidence that the allegation was deliberately false, malicious or mischievous, this will be regarded as a serious act of misconduct and disciplinary action will be taken.

Record of review:

Reason for update	Date of Review	Reviewed by
First Version	May 2015	
Change of Legislation	August 2018	Helen Argyle
Change of Safeguarding Procedures	March 2020	Helen Argyle
Date of Next Review	March 2023	Helen Argyle
Review	May 2024	Helen Argyle
Revised to include Education	October 2024	Helen Argyle