(Corporate) Whistleblowing Policy

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1. Summary

This policy outlines the procedures and guidelines for whistleblowing within Cantwell, a company committed to conducting its business with honesty and integrity. The policy encourages employees to report any suspected wrongdoing, fraud, corruption, or illegal activities without fear of retaliation. It aims to ensure that all reports are handled fairly and thoroughly, upon such concerns being raised of wrongdoing or bad faith to raise concerns appropriately. The policy also highlights the importance of safeguarding and provides information on reporting safeguarding concerns. It explains the process of raising a whistleblowing concern, the protections in place for whistleblowers, and the consequences for those who violate these regulations. The policy provides contact details for whistleblowing guidance for providers who are registered with the Care Quality Commission and for reporting concerns to Ofsted. It emphasizes the importance of confidentiality and data protection throughout the process. The policy concludes with a summary of key points and contact information for relevant regulatory bodies.

2. Legislative Framework and Guidance

- Whistleblowing, fact of prescribed people and bodies, updated 2021 (Gov.UK)
- The Public Interest Disclosure Act 1998
- The Criminal Justice and Courts Act 2015
- The Enterprise and Regulatory Reform Act 2013
- The Care Act 2014
- Care Quality Commission Fit and Proper Test Guidance (Amendment) Regulations 2012
- Protect Whistleblowing Guidance for Providers - Speak up stay open (protect-advice.org.uk) (Accessed: 30/05/2022)
- PAS 1998:2008 Whistleblowing Arrangements Code of Practice. (Online)
- Care Quality Commission Guidance for Providers Whistleblowing guidance for providers who are registered with The Care Quality Commission. (Online) Includes from: Whistleblowing Guidance for providers who are registered with the Care Quality Commission.(Online) (Accessed: 30/05/2022)
- NHS Improvement Services, 2017, Guidance to speak up: raising concerns (whistleblowing) policy for the NHS. [Online]. Available from: NHS England » Freedom to speak up: whistleblowing policy for the NHS [Accessed: 30/05/2022]
- Ofsted, 2021, Whistleblowing: guidance for employees and members of the inspection workforce. [Online]. Available: https://www.gov.uk/government/publications/whistleblowing-guidance-for-employees-and-members-of-the-inspection-workforce [Accessed: 30/05/2022]
- Nursing and Midwifery Council, (2018), Whistleblowing in the NMC. [Online]. Available: https://www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/ [Accessed: 30/05/2022]
- Employment Rights Act 1996)
- Data protection Act 2018
- Protect (formerly Public Concern at Work) PCAW - Protect - Speak up stop harm (protect-advice.org.uk)

3. Purpose

We, Cantwell (The Company), are committed to conducting our business with the highest standards of honesty and integrity, and we expect all colleagues to maintain high standards in accordance with respective divisional Code of Conduct and Code of Practice policies.

Our primary legality at all times should be to know who can our services, and there is therefore a responsibility on every colleague to report any concerns they have that may affect our ability to continue to provide safe and effective care and housing to staff, or any tenant is reported and properly dealt with. The Company therefore encourage all individuals to raise any concerns they have about the conduct of others in the business or the way in which the business is run. This policy document sets out how we believe staff should raise any concerns that they have and how these concerns will be dealt with. The aims of this policy are:

- To encourage all employees to report suspected wrongdoing as soon as possible, in the knowledge that concerns will be taken seriously, investigated appropriately and that confidentiality will be respected whenever possible.
- To provide employees with guidance on how to appropriately raise such concerns.
- To reassure employees that they should be able to express concern without fear of reprisal, even if the concern turns out to be mistaken.
- To assure relatives, parents/guardians, placing authorities and inspection and registration bodies that the Company gives high priority to ensuring the highest standards of behaviour from and amongst its employees.

4. Scope

This policy applies to:

- Keeping Children Safe in education (September 2022)
- Working together to safeguard Children (July 2018)
- Children's Homes Regulations (2015)
- Health and Social Care Act 2008 (Regulated Activities) Regulations, part 3 (2015)
- National Minimum Standards for Independent Health care services in Wales
- The Independent Health Care (Wales) Regulations 2011
- Social Services and Well-Being (Wales) Act 2014
- The 25 Principles of The Francis review: Freedom to Speak Up, February 2015

Also, this policy is also regard to Prevent Duty Guidance (April 2021).

The policy is made available to parents, carers, employees and individuals.

4. Background

The law provides protection for employees who raise legitimate concerns about specific matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an individual who has reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health & safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above

is being, has been, or is likely to be committed. The individual does not have to provide proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The individual does not need to be personally affected by the concerns that there are sufficient grounds for your concern. It is the Company's responsibility to ensure that an investigation takes place.

A whistleblower is a person who raises a genuine concern relating to any of the above. For example:

- suspicions or concerns regarding any type of abuse or potential harm to individuals in our care or employees, which for some reason are not being dealt with the normal safeguarding procedures and as set out in our Child Protection and Safeguarding Policy;
- financial malpractice;
- failure to comply with any legal or professional obligation or our regulatory requirements;
- danger to health and safety;
- bribery under the Anti-Bribery and Corruption Policies;
- dishonesty, fraud or financial mismanagement;
- breach of our internal procedures and procedures including our Code of Conduct;
- unauthorised disclosure of confidential information;
- issues that are not being dealt with through general governance reviews or other legitimate avenues and
- if you believe someone is covering up wrongdoing.

This list is not a complete list. Certain concerns might be raised by a whistleblower to qualify for protection under the legislation. You must make a protected disclosure, and files three main elements:

1. You must provide information of a certain kind (see "reasonably believe" above) a category of wrongdoing set out in the list above.
2. You must reasonably believe that the concern is in the public interest
3. You must raise your concern with the right person. It is important for you to raise your concern with the right person.

"Public interest" would usually be a concern about wrongdoing which affects people other than just themselves, it would fall in the public interest. This can be distinguished from cases where the employee is going through a personal issue at work or complaining about breach of their own contract of employment. Although these cases may be important, they are not usually concerns may also affect the public interest. For example if there is a culture of bullying or discrimination in the workplace which would make this a public interest concern.

We consider it is important that responsibility to carry out their duty of the highest standards of openness and accountability. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern), you should report the concern.

Any employee who makes such a protected disclosure has the right not to be dismissed, subject to any other dismissal, or victimised for the disclosure. In addition, the employee should be protected from being sued or prosecuted for anyone trying such a concern, and the law means the matter will be dealt with under the formal disciplinary procedure.

5. Principals

Everyone should be aware of the importance of preventing and eliminating wrongdoing in the workplace. Employees must be watchful for illegal or unethical conduct to report anything of that nature they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation will be reported to the person who raised the initial concern if they wish to do so. This may not always be possible but will be the nature of the investigation.

No employee or otherwise will be victimised or receive detrimental treatment as a result of raising a matter under this process. This means that certain benefits, training and opportunities for future promotion or training will not be jeopardized in any way because they have raised a legitimate concern.

Victimization of an employee for raising a malpractice or protected disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure it will be dealt with in accordance with the Company's disciplinary procedure, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

Whenever the Company has to take enforcement action, it reserves the right to consider a formal sanction up to and including dismissal.

An instruction to cover up wrongdoing itself is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority or senior position in the Company, employees should not agree to remain silent.

6. Policy

This policy ensures that the Company complies with the Public Interest Disclosure Act 1998 (PIDA). It applies to all employees, former employees, contractors, casual workers, temporary workers and agency workers.

This policy does not form any part of any employment contract of employment and the Company may amend at any time.

This procedure is for disclosures about matters other than those which could be considered a personal grievance (for example, a matter regarding your contract of employment) if you are not sure where your complaint or issue would be appropriate to raise, please speak to your line manager or a member of the HR team for advice. However, you can also seek advice from Protect (Formerly Public Concern at Work) whose details are set out in section 11.

You should read and be familiar with respective divisional policies that will support in this area, such as Grievance Procedure and Bullying & Harassment.

The Company will ensure that the whistleblowing process is referred to and instruction is provided within training courses on how to raise concerns. Whistleblowing is covered within the Company's induction, Safeguarding, e-learning modules or MYHUB and is incorporated into safeguarding workshops and induction courses.

6.1. Safeguarding

Where a safeguarding concern is received, Local Authority or appropriate regulatory policies and procedure will be followed. Employees have responsibility to report safeguarding concerns immediately using the appropriate internal process to ensure all appropriate protocols are completed as quickly as possible.

7. Procedure

7.1. How to raise a whistleblowing concern

If an employee has a concern, it is expected that in the majority of cases you would be able to raise this with your immediate line Manager. If you feel that your concern is involved, or is not suitable, then you should contact the next level of Management such as Regional/Locality Manager or Lead, or the Managing Director of your division. If you feel it more appropriate, you can contact the Whistleblowing officers as set out in section 11.

This may be done verbally or in writing. Writing is preferred to ensure all concerns are captured accurately and you understand what is being raised. Your line manager will be required to report the concern to the Whistleblowing officers quickly and effectively. Your manager should also take a written record of your concern, and ensure that it is properly recorded in feeding back to you as appropriate. In all cases they must refer any Whistleblowing concerns or reports to the Group Head of Governance, Risk and Compliance, who will be the Whistleblowing officer responsible for that a complete record of all such concerns and the outcome of any investigations is maintained.

Where the matter is more serious or you feel that your line manager has not addressed your concern, or you prefer not to raise it with someone within the Company, you can contact the Whistleblowing officers Protect (formerly Public Concern at Work) hotline, on 0800 0396 178 (Legal helpline). This hotline is run on a 24hours, seven days a week basis by Nexus Global. Nexus Global will provide a confidential service on our behalf and will report your concern to the Group Head of Governance, Risk and Compliance who will then carry out an investigation on the point raised, detailed and agreed.

Ofsted hotline will take down a written summary of your concern and send this back to you to ensure that they have accurately recorded your concern. Ofsted hotline will contact the Company Whistleblowing officers that a concern has been raised and then by secure e-mail and the Whistleblowing Officers will ensure that an investigation commences. After you have completed the call, you will receive a call back within two working days. You will be given a unique reference number to quote in subsequent calls and have them to call back about the matter. This allows you will be able to use your reprise key and password to check your report for feedback or questions.

Whether an individual raises a concern confidentially, via Ofsted hotline, with their line manager or in any other fashion, the Company's investigation and response time will be consistent and the Company will be accountable for the same level of service. Ofsted hotline will provide a report back to the Whistleblowing officers, who will then report back to the individual who raised the concern, the complainant will receive confirmation and appropriate advice and support on how to raise it forward under the correct procedure.

7.2. Confidentiality

Whistleblower cases you raise to your concern, we hope you will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity confidential. It may not be always be possible to assure you that we will be investigation process, and we will notify you accordingly if this is the case.

We do not encourage colleagues to make disclosures anonymously. Thorough investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish the credibility of allegations. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Group Head of Governance, Risk and Compliance or Ofsted hotline and discuss the matter with the Company's Whistleblowing officers. If the matter is not resolved, we will consider how we can proceed. Anonymous whistleblowing cases may also offer a confidential helpline for individuals who are thinking of whistleblowing. Their contact details are set out in section 11 of this policy document.

The Company has a duty to pass on information in others if this is required as a matter of law or in the public interest. On occasions this may mean that this cannot be done without identifying the person who raised the concern, for example:

- Because evidence is needed in court; or
- The Company is involved in legal proceedings and Company papers are open to scrutiny. If this happens, the Company will discuss this with the employee beforehand.

7.3. Investigation and Outcome

All whistleblowing reports should be treated with the route, you sent to the Group Head of Human Resources, who will nominate an investigator or team of investigators with relevant experience and specialist knowledge of the subject matter. The relevant Managing Director will be informed. In some cases, where they are directly implicated, if the whistleblowing concern or concerns is procurement or financial irregularities, the Chief Finance Officer (CFO) and Group Financial Controller will also be informed of the concerns.

If a Whistleblowing concern has been raised linked with the complaint a Company Whistleblowing Officer that a concern has been raised to Operations, it must also be reported immediately to the relevant Whistleblowing Officers as set out in section 11, for the appropriate division.

We will seek to inform you as soon as possible and in any event within 20 working days of either the outcome of our investigation or the date of your disclosure, whichever is the sooner, of the outcome of our investigation. Sometimes the always contact them for an update or progress at any time, as they will be kept abreast of how the investigation is progressing. You may be asked to provide further information from time to time. After 5-6 business days you will be able to use your reprise key and password to log back into the system and check your report for feedback or questions.

The investigator(s) may make recommendations for change to enable us to minimize the risk of future wrongdoing.

We will aim to keep you informed of the progress of the investigation and its likely timescales. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. Employees should treat any information about the investigation as confidential.

If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to investigation which may result in a disciplinary sanction. In certain cases, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Depending on the nature of the concern, it may also:

- be referred to the Police
- form the subject of an independent inquiry

7.4 If you are not satisfied

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in appropriate way. By adopting this policy we hope to minimize the risk that you will be unhappy with the way in which your concern has been handled, you can raise it with one of the other Whistleblowing Officers.

You can also contact Protect, they are the independent authority on public interest whistleblowing (Contract details set out in section 11. They then advice to individuals with whistleblowing concerns.

If we fail completion of the process, you reasonably believe that the appropriate action has not been taken, you should report your concern to the Care Quality Commission and a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office; the Police Constabulary; and
- the Serious Fraud Office.

8. External disclosures

Whilst we hope this policy gives our employees the reassurance they need to raise any concerns internally, we recognize that there may be circumstances where you can properly report a concern to an outside body. We would prefer you to raise a matter with an appropriate regulator, such as those set out in section 11 than not at all. It will vary, even, if we, be responsible for ensuring any matter is properly dealt with. Protect provides a list of prescribed regulators for reporting certain types of concern. Unauthorised disclosure of confidential information to third parties is a disciplinary offence.

9. Data protection

When an individual makes a disclosure, the Company will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point that an alert has indicated that matters the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

10. Accountability

The Whistleblowing officers, whose details are set out below, have day to day operational responsibility for this policy and must ensure that all managers are aware of the serious concerns or investigations and fully understand the policy scenario regular and guidance on its use.

The Whistleblowing officers are responsible for the success of this policy and should ensure that they use it to discover any suspected danger or wrongdoing.

11. Freedom to Speak Up

On occasion, an employee may feel reluctant to utilize the Whistleblowing procedure. Whilst the Company proclaims full confidentiality and anonymity, there may be a fear of discrimination towards anyone who wants to raise an issue and also be to point out the availability of the Group Freedom to Speak Up Guardian. Contact details are available in section 11.

12. Contact details

- Whistleblowing Hotline (24 hours) Ofsted/Nexus 0800 096 9128
- Nexus Global (Ofsted/Protect website) www.ceiwatch.ofsted.gov.uk
- Group Freedom to Speak Up Guardian: Amanda Sherlock, Group Executive Director, Compliance 07816662589 Amanda.sherlock@cantwell.co.uk
- Children's Homes Whistleblowing Officers
  - Jill Dixon, Regional Manager, Children's Homes Resources 07929642320 Jillian.Dixon@cantwell.co.uk
  - Tom Burford, Group Executive Director, Quality Improvement 07711766786 Tom.burford@cantwell.co.uk
- Adults Services Whistleblowing Officers
  - Jillian Dixon, Group Head of Human Resources 07929642320 Jillian.Dixon@cantwell.co.uk
  - Amanda Sherlock, Group Executive Director, Compliance 07816662589 Amanda.sherlock@cantwell.co.uk
- Protect (Formally Public Concern at Work (PCaW) 03301172520 www.protect-advice.org.uk

13. Social Care

13.1. Social Care Wales

About matters relating to the registration of social care workers in Wales:

Social Care Wales
South Gate House
Wood Street
Cardiff CF10 1EW
Tel: 0300 790 3444
fit@socialcare.wales

13.2. Care Inspectorate

About matters relating to the provision of care services in Scotland:

Care Inspectorate
1 Riverside One
Sandesk DS1 4NT
Tel: 0345 600 9527
Email: enquiries@careinspectorate.com

13.3. Care Quality Commission

About the provision of adult social care services in England:

CQC National Customer Service Centre
Care Quality
Gallowgate
Newcastle upon Tyne NE1 4PA
Tel: 03000 616161
www.cqc.org.uk

13.4. Health and Care Professions Council

About matters relating to the registration and fitness to practice of health and care professional:

Health and Care Professions Council
Park House
184 Kennington Park Road
London SE11 4BU
Tel: 0300 500 6184
http://www.hcpc-uk.org

13.5. Healthcare Improvement Scotland

About matters relating to furthering the improvement in quality of health care in Scotland:

Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh EH12 9EB
Tel: 0131 623 4300
Email: enquiries@his.scot.nhs.uk
www.healthcareimprovementscotland.org

13.6. His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')

About matters relating to regulation and inspection of establishment and agencies for children's social care services.

Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD
Tel: 0300 123 3155
Email: wholeeducation@ofsted.gov.uk

13.7. Scottish Social Services Council

About matters relating to the registration of the social services workforce in Scotland:

Scottish Social Services Council
Compass House
11 Riverside Drive
Dundee DD1 4NY
Tel: 0345 60 3891
Email: registration@sssc.uk.com
www.sssc.uk.com

13.8. Social Services and Child Welfare

His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector') about matters relating to regulation and inspection of establishment and agencies for children's social care services.

13.9. Ofsted

Piccadilly Gate
Store Street
Manchester M1 2WD
Tel: 0300 123 3155
Email: wholeeducation@ofsted.gov.uk

13.10. Scottish Social Services Council

About matters relating to the registration of the social services workforce in Scotland:

Compass House
11 Riverside Drive
Dundee DD1 4NY
Tel: 0345 60 3891
Email: registration@sssc.uk.com
www.sssc.uk.com

13.11. Welsh Ministers

About the inspection and performance assessment of Welsh local authority social services.

Welsh Government
Cathays Park
Cardiff CF10 3NQ
Tel: English: 0300 060 3300
Tel: Welsh: 0300 060 4400

13.12. Public Services Ombudsman for Wales

Has legal powers to look into complaints about public services and independent care providers in Wales.

Complaints Advice Team: 0300 790 0203
E-mail:advice@ombudsman-wales.org.uk
Website: www.ombudsman-wales.org.uk
Write to: Public Services Ombudsman for Wales
1 Floral p ml Gate, Pascoed
CF43 3LJ

14. Revision History

Date of next review: March 2024
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Date of review: January 2012
Date of release: January 2010

Download

Name *

Service

Manager's Email

View read and understood this policy

Update this Policy

Was this policy helpful?

- Yes
- No

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