

Speak Out Policy 'Whistleblowing'

Policy statement

Compass exists to look after vulnerable children and young people who are often the most vulnerable in the community and are least able to speak up for themselves.

Our work with vulnerable children and young people places employees and foster carers in a position of power. In order to retain the trust of those we are trying to help, it is essential that we take all reasonable steps to ensure that this power is exercised responsibly. We will ensure that our systems for recruitment and management reflect this responsibility and that a climate exists in which concerns are taken seriously and dealt with thoroughly and fairly. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Crucial to our success is the dedication, professionalism and skill of our staff.

Purpose of the Policy

Employees, purchasers and foster carers have the right and the responsibility to raise genuinely held concerns about abuses of power and trust by employees towards:

- Children and young people using our services.
- Any other children and young people.
- Adult service users, e.g. social workers, residential workers.
- Other employees.

This policy is designed to ensure that genuinely held concerns are raised and effectively addressed. The policy will also apply to people involved in working with the company though not employed by it, for example, students on placement, consultants, agency workers, contractors etc.

Any concerns about the actions or behaviour of such employees should be reported in accordance with this policy and the manager receiving the concern should pursue the matter with the employer, placing college or professional body of the person about whom concerns have been raised.

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, employees should not agree to remain silent. They should escalate and report this matter to their Director, Head of Service or Director of HR, Learning & Development. Whilst it is always helpful to be able to speak to the person raising a concern, there is opportunity to raise concerns anonymously by emailing speakout@compasscommunity.co.uk and making it clear in the email that they do not want their identity to be disclosed.

No-one exercising the responsibilities under the 'Speak Out Policy' to raise a protected disclosure, 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 policy 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 Grievance Procedure, which is available to employees concerned about their own situation.
- Replace the Disciplinary Procedure, although the policy may lead to disciplinary proceedings.

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

- Children and young people using our services.
- Any other children and young people.
- Adult service users.
- Other employees.

What is whistleblowing?

Whistleblowing is when someone raises a concern about a dangerous or illegal activity or any wrongdoing within their organisation. This includes the conduct of colleagues, the way the business is run or how child protection concerns are being handled.

Why is it important?

Raising a concern is known as 'blowing the whistle' and is a vital process for identifying risks to people's safety. Misconduct and/or bad practice within Compass is taken very seriously. The children and young people who depend on our services are often the most vulnerable in the community and are least able to speak up for themselves.

Sharing information or talking through a concern can be the first step in helping us to identify problems and improve our practices.

It is important that any dangerous, illegal or wrongdoing by employees is reported and properly dealt with and we encourage everyone to report any concerns they may have including poor practice or how child protection issues are being handled.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. It aims to provide a clear approach for reporting concerns to ensure that these can be brought to the attention of the organisation and that appropriate action is taken.

It is everyone's responsibility to raise concerns appropriately and in addition, all managers have a duty to ensure that employees are encouraged and enabled to express their concerns and that these are dealt with thoroughly, fairly, and promptly.

What the law says about whistleblowing?

The law protects employees from being treated unfairly or losing their job if they disclose information about wrongdoing. A disclosure must be about something that affects the general public (this means it must affect others) and can be raised at any time about an incident that has happened in the past, is happening now or you believe will happen in the near future for example:

- A criminal offence for example, fraud.
- The company is breaking the law for example, a company does not have the right insurance.
- A miscarriage of justice.
- Someone's health and safety is in danger.
- Risk or actual damage to the environment.
- You believe that someone is covering up wrong doing.

The employee has no responsibility for investigating the matter. The company will ensure that an investigation takes place.

What does not count as whistleblowing?

Personal grievances for example bullying, harassment and discrimination are not covered by whistleblowing law, unless the particular case is in the public interest. These need to be raised using the company's grievance procedure.

If an employee feels that there has been a breach of their employee's own contract of employment or they are concerned that their contract has been, or is likely to be, broken, they should raise this with the company's grievance procedure.

Working with Children and Young People

In working with vulnerable children, employees and families need to recognise as far as possible the impact that their behaviour, speech and presentation will have on children. Those working with children should also be aware that games involving physical contact could be misinterpreted by children or can frequently be used by abusers as part of the "grooming" process. Therefore, any contact should only be used where relevant to the needs of the child, should form part of the care plan and should be reflected in the recording and supervision. Employees should recognise that children need to deal with the pain of their experiences through acknowledgement and expression of their feelings. Physical contact meant as comfort can stifle this process.

How do I raise concerns?

Employees should discuss disclosures with their line manager in the first instance.

If they do not feel able to raise them with their line manager or feel that they have raised these with their line manager and are not satisfied with the action that has been taken there are a number of other ways that they can raise concerns.

By Contacting:

Name	Service	Contact Email	Contact Number
Pete Hylton (Interim Director of Residential)	Residential	pete.hylton@compasschildrenshome.com whistleblowing@compasschildrenshomes.com	07912 237 711
Kathy Swift (Director of Operations)	Fostering	kathy.swift@compassfostering.com	07920 008 128
Rebecca Slayford (Executive Head Teacher)	Education	rebecca.slayford@compasscommunity.co.uk	07753 584 581
Sam Hamilton (Director of HR & LD)	Group Services	sam.hamilton@compasscommunity.co.uk	07971 507 576

Through Resi-tek:

Safeguarding concerns can also be raised on Resitek, for those employee's working in our children's homes:



By Dedicated Email:

Alternatively concerns can be raised by emailing speakout@compasscommunity.co.uk

If your concerns relating to a member of the Operations Board, please direct your concern to the CEO, Bernie Gibson by emailing bernie.gibson@compasscommunity.co.uk or contact her by phone on 07718 763547.

Whilst it is always helpful to be able to speak to the person raising a concern, there is opportunity to raise concerns anonymously by emailing speakout@compasscommunity.co.uk and making it clear in the email that they do not want their identity to be disclosed.

Before formally raising their concern, employees should write down what happened recording events in chronological order and keeping the information factual and objective. They should make a note of the policies and procedures, professional codes or human rights that have been breached.

Gather evidence as well as the notes made about what happened, when and where, consider whether there are any files, emails, diary notes or other documents that could evidence the concerns.

Keep notes on the whistleblowing process regardless of whether or not the employee initially raised their concerns verbally, they should keep note of what was said in written form, perhaps by emailing the person afterwards with a summary of the main points. It is important to keep a record of the dates and contents of any meetings.

Process

- The 'whistle blower' will meet with the manager to whom the concerns have been reported to detail a full debrief of the situation. They may be accompanied by a supporter but be aware that issues raised under the Speak Out policy would be a highly confidential matter.
- The person who has raised the concern must say straight away if they do not want anyone else to know it was them who raised the concern. Whilst the organisation will try to retain confidentiality there may be certain circumstances where this is not possible.
- The manager will inform the 'whistle blower' of the actions likely to follow the meeting.
- The manager will gather and record some initial information which includes:
 - The date the concern was made and when it was acknowledged.

- A summary of the issue and any supporting evidence provided.
- Any potential safety risks raised by the concern.
- The gravity and urgency of the issue in the view of both the person raising the concern and the person recording it.
- Any actions the person raising the concerns should be taken to address the issue and by whom.
- The wishes of the person raising the concern regarding disclosure of their identity to others, and confirmation that it has been explained to them that it will not always be possible to protect their identity.
- Who will be responsible for taking action.
- The manager will then notify the Director of HR, L&D so that the concern can be recorded and notify the CEO of the concerns raised.
- The manager who the employee has contacted to raise their concerns will decide on what action is needed and discuss this with the Director of HR, L&D and other appropriate Directors and/or Heads of Service.
- The manager appointed (this may be the same manager the concerns were raised with or a different manager appointed to look into the matter further) to look into the concerns raised can keep the 'whistle blower' informed about the action they have taken but will not share much detail to keep the confidence of other third parties.
- Where action is not taken the whistle blower will be told and a brief explanation why will be given.
- Wherever possible the matter will be addressed within 28 days however this may take longer
- The CEO or designated board member/s regularly reviews all concerns that are brought to their attention; and where they consider it appropriate, the regulator relevant to the case is informed.

Please note: if the person reporting their concerns, does so to the media, in most cases they will lose their whistle blowing law rights.

Managing the policy

Managers must:

- Arrange to meet the whistle blower as quickly as possible to establish what the concern is and understand what has given rise to it.
- Consider carefully where the meeting should take place and for them to be accompanied by an appropriate friend or colleague, if that is their wish.
- Make a note of your conversations and agree the accuracy of that note with them.
- Be sensitive to the fact that the whistle blower may feel uncomfortable about raising issues with you about a colleague or a manager.
- Consider and address the support needs of the person who is the subject of the concerns and of the whistle blower.
- Provide reassurance to them that their wish to keep their identity confidential will as far as possible be respected. You should explain that you will not disclose their identity without their consent unless there is particularly reason to do so, a Court Order or tribunal requires this. You should also explain that it is not always be possible to take all the necessary action if their identity is to remain confidential.
- 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.
- If the issue appears to be of a relatively minor and straightforward nature, 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, 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 protection procedures. If the concern relates to the welfare of a child and the manager does not feel able to respond, they should seek advice on how to proceed from an appropriate Director or Head of Service.
- Then decide how the matter is to be investigated within the company and arrange for that investigation to take place as quickly as possible. The whistle blower should be told who will inform them of the investigative outcomes
- During this process we may need to gather a wide range of information and/or evidence to assist with the investigation. This will be processed in line with our Privacy Policy and may include, but is not limited to, witness statements, emails, data held on systems, etc.
- Conclude the matter and inform the whistle blower about the action you have taken and of the outcome of any investigation.

If the manager who has been told of the concerns is not the line manager of the individual who is the cause of concern, they must refer the matter to an appropriate manager with responsibility for the identified individual. However, in considering who to refer the matter to, account should be taken of the level of seriousness of the concerns and of any reservations expressed by the person raising them about who they should be referred to. If there are any uncertainties, they should contact the HR Manager or Director of HR, L&D.

As a manager, what do I do if the employee reasonably believes that the appropriate action has not been taken?

If the employee does not agree with the outcome they may notify a Director and/or Head of Service. Thereafter, they may speak to the Chief Executive Officer or seek advice from Protect (formerly Public Concern at Work), a charity which provides free confidential legal advice to employees and others who wish to raise serious malpractice concerns within the workplace by emailing whistle@protect-advice.org.uk or calling 020 3117 2520 (*option 1).

If the employee still has concerns they should report the matter to the proper authority that relates to the qualifying disclosure, these include:

- Ofsted;
- Social Care and Social Work Improvement Scotland (SCSWIS);
- Care and Social Services Inspectorate Wales (CSSIW);
- HM Revenue & Customs;
- The Financial Services Authority;
- The Office of Fair Trading;
- The Health and Safety Executive;
- The Environment Agency;
- The Director of Public Prosecutions; and
- The Serious Fraud Office.

Recording

A record of concerns raised under the 'Speak Out Policy', together with a record of the action taken in response, will be retained on the personnel 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.

Confidentiality

The Speak Out Policy has been designed to ensure that employees and carers can feel confident that they can raise concerns about malpractice and that those concerns will be properly and effectively dealt with by the company.

It is preferable that a serious concern is raised responsibly than not at all. If there are any uncertainties about who to approach advice should be sought from the Director of HR, L&D.

Getting External Advice

The NSPCC have a 'Whistleblowing Advice Line' which is in place to support professionals who may be worried about how child protection issues are being handled in their workplace or in another organisation. They are there to help if an employee thinks that their organisation is putting children at risk, even if they

are not certain, they can call and talk through their concerns by calling 0800 028 0285 or by email help@nspcc.org.uk

Protect (formerly Public Concern at Work) is a charity which provides free independent legal advice to employees and others who wish to raise concerns about the workplace by emailing whistle@protect-advice.org.uk or calling 020 3117 2520 (*option 1).

These external bodies are not intended to replace the Compass 'Speak Out' policy and they always encourage professionals to raise concerns about a child to their own employer in the first instance.

External Media Interest

It is possible that from time to time there is press or media interest particularly around our services and the industry that we are part of.

If an employee takes a phone call or has any contact from a journalist or similar from other media, they must take a message and not respond to any questions. If you are questioned, employees must simply say 'no comment' and immediately direct the query to Bernie Gibson or Jamie Wright in the first instance. If they are not available, contact Laurence Brady or another member of the Operations board in his absence.

Safeguarding is everyone's responsibility; If in doubt, Speak Out!