

Whistleblowing / Freedom to Speak Up Policy and Procedure

Document Information

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miscarriages of justice
endangering of someone's health and safety
damage to the environment
covering up wrongdoing in the above categories

A culture of systematic bullying, harassment and/or victimisation. (NB: Personal grievances for example bullying, harassment and discrimination are not covered by whistleblowing law, unless the particular case is in the public interest. Such cases will be addressed under the Group's grievance procedures)

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

3 What is Freedom to Speak Up?

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all the people we support and the working environment for our colleagues. This policy is for all our colleagues. We are committed to ensuring that "we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words".

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency or bank worker, or a substantive colleague. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up. This policy is for all colleagues and we want to hear all our colleagues' concerns.

You can speak up about anything that gets in the way of care, support or education or adversely affects your working life. That could be something which doesn't feel right to you: for example, a way of working or a process that isn't being followed; you feel you are being discriminated against; or you feel the behaviours of others is affecting your wellbeing, or that of your colleagues or people you support or educate. Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes

This policy and procedure will only be used to investigate Freedom to Speak Up issues that constitute whistle blows/protected disclosures, therefore, unless they also meet the definition of 'whistleblowing', this policy will not be used to investigate:

- Complaints from people we support, their families and other stakeholders

- Colleague grievances

- Anonymous disclosures – these may fall within or outside the policy at the company's discretion. Having given due consideration to the disclosure a judgement will be made as to whether to treat each matter as a whistleblowing.

Where non-whistleblowing issues are raised via the Freedom to Speak Up process, they will be treated with equal importance, but will be directed to the most appropriate person/existing process to ensure they are responded to appropriately.

6 Responsibilities

Individuals covered by the scope - It is the responsibility of all covered by the scope of this policy to report any issues initially to their management chain or in line with the processes within this policy.

Home/Service Manager or Head Teachers – Are responsible for:

- Creating a working environment where colleagues feel safe to raise concerns, and that these are dealt with immediately, thus reducing the need for colleagues to whistle blow using this procedure.

- Immediately report any concerns of a whistleblowing nature, raised by their staff team, through their line management, and where the serious incident criteria are met, via the Group Serious Incident Reporting Procedure.

- Ensuring the whistleblowing poster at appendix 1 is prominently displayed in colleague areas at all sites, and that colleagues' attention is drawn to this, at regular intervals.

Directors of Adults/Children's Services and operational management teams – Are responsible for ensuring that effective action and investigation is undertaken in response to the concerns raised.

Where the content of a whistle blow indicates that a person or people we support are at risk of immediate harm of poor treatment, the Directors of Adults/Children's Services and their

operational management teams will ensure that an urgent welfare visit is made to the site/service concerned, to ensure the safety and wellbeing of all. Where this is found not to be the case, immediate action will be taken to remedy.

Director of Quality – Is responsible for:

Undertaking the role of Freedom to Speak Up Guardian

Ensuring effective systems are in place for the management of whistle blows, in line with national standards

Ensures that serious whistle blows are reported and logged under the Group Serious Incident Reporting procedure and any serious concerns are reported to the Chief Executive Officer and the Board accordingly.

Ensuring all serious whistle blows reported are reviewed under the serious incident procedure to enable oversight and scrutiny of whistle blow management, and the identification of themes and trends

Ensuring themes and trends are reviewed within the formal governance structure, to ensure learning is captured and acted upon as appropriate.

7 Safeguards

Kisimul Group is committed to good practice and high standards and being supportive of colleagues.

Kisimul Group recognises that the decision to report a concern can be a difficult one to make. However, colleagues are strongly encouraged to do so in the interests of their duty to those who we support, care for and educate, and will be supported to do so.

Kisimul Group will not tolerate harassment, bullying or victimisation of any kind and will take appropriate action to protect all colleagues who raise a concern in good faith.

8 Confidentiality

As far as it is possible, all concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle-blower. At the appropriate time, however, it may be

body and the accused colleague(s) through a resulting disciplinary procedure where whistle-blowers may be required to provide witness information. Where this is the case Kisimul group is committed to ensuring that the whistle-blowers are informed and supported, at every stage of the process.

9 Untrue Allegations

In the event of a whistle-blower making an allegation in good faith, but it not being founded by the subsequent investigation, no action will be taken against the individual concerned. If, however, an allegation is made frivolously, maliciously or for personal gain, action may be taken, which could include disciplinary action.

10 How to raise a concern

If you have concerns of any sort, at any time, the first step should always be that colleagues talk to the relevant Home/Service Manager, or Head Teacher, who should then ensure:

- The colleague is heard and supported

- The issue is immediately investigated and where necessary, addressed

- That concerns of a severe or safeguarding nature are communicated through their line management chain, and are reported via the Group Serious Incident Reporting procedure

However, if the concern is regarding or relates to the conduct of the Home/Service Manager, or Head Teacher, or the person wanting to whistle blow has reason to believe that no action will be taken, or they may not be treated appropriately, as a result of the disclosure, they should then immediately do one of the following:

- Contact a senior Kisimul Group colleague and report the concern. Initially this should be the relevant Area Manager or Operations Manager/Lead. However, if there is a reason why this is not appropriate, or possible, then contact should be made with the relevant Head of

of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. As a result, the matters raised will:

- Be investigated quickly and transparently by a sufficiently independent person
- Where the content of a whistle blow indicates that a person or people we support are at risk of immediate harm of poor treatment, the Directors of Adults/Children's Services and their operational management teams will ensure that an urgent welfare visit is made to the site/service concerned, to ensure the safety and wellbeing of all. Where this is found not to be the case, immediate action will be taken to remedy.
- Be reported via the Serious Incident Reporting procedure, where necessary
- Where appropriate, be referred to other agencies (i.e., the local Safeguarding Team, regulator, the police)

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

In exercising their discretion, factors to be considered by the managers considering the issues on behalf of Kisimul Group will include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

Following this, the person responsible for considering the issues will endeavour to contact the person raising the concern within five working days of it being raised to update them on:

- How the matter will be dealt with
- An estimate of how long it will take to provide an update
- Information regarding whether any initial enquiries have been made.
- Information regarding whether any further investigations will take place and if not, the reasons for this

A relevant voluntary organisation
The police.
The Health and Safety Executive
The local authority Safeguarding team.

Contact details of regulatory bodies

Ofsted	0300 123 3155	whistleblowing@ofsted.gov.uk
CQC	0300 061 6161	enquiries@cqc.org.uk

13 Governance, and learning from whistle-blows

Kisimul Group is committed to ensure that learning from whistle-blows is used improve the quality of services provided by the Group. The timely and appropriate dissemination of learning from whistle-blows is essential to ensuring participation in the learning process and improved care.

Whistle-blower's satisfaction regarding the quality of the response, the efficacy of how their concern was handled, and subsequent action taken to alleviate the matter regarding which they were concerned, is subject to annual audit.

Data with regard to whistle-blows, and how they have been handled and responded to, will be reviewed within the Practice Effectives and Safeguarding Committees, and the Quality Board. This will include:

- Outcomes of annual whistle-blow audit, and the implementation of the findings
- Details of serious whistle-blows (number and type) received in the quarter
- Due and overdue investigations
- Outcomes of investigations in the quarter
- Themes and hotspots
- Actions taken and lessons learned from the themes
- Action implementation delays
- Any serious or contentious issues of concern

The Practice Effectiveness and Safeguarding Committees are responsible for providing oversight of whistle-blows, adequacy of whistle-blow handling, and ensuring local lessons are applied, and shared Group wide as required. A summary of activity, and any risks, themes or trends identified, together with details of any themes that need addressing proactively, at organisational level, will then be escalated to the Board of Directors, via the Quality Board.

14 References: Legal references and national guidance

Data Protection Act 2018

Employment Rights Act 1996

Equality Act 2010

Health and Safety at Work etc. Act 1974 S7

Public Interest Disclosure Act 1998

ACAS Advice Booklet

List of prescribed people and bodies

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

15 Appendices

Appendix 1: Whistleblowing posters

[Poster A](#)

[Poster B](#)

Document equality impact assessment – part B

What is the main purpose or aims of the policy	
Who will be the beneficiaries of this policy?	
Has the policy been explained to those it might affect directly or indirectly?	
Have you consulted on this policy?	
What are the expected outcomes of this policy?	
Name of person completing equality impact assessment:	

The document change log acts as a register of all authorised changes made to this document.

Changes will not be made unless authorised by the document owner.

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