

kisimul

# Whistleblowing

## Policy and Procedure

## Document Information

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**This document will be reviewed at least every 2 years**

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## **Introduction**

Kisimul Group is committed to the highest possible standards of care, probity and accountability, and an open, safe and supportive culture, that puts the people we support first, and values those who are important to them, and colleagues. The Group strives to act with integrity in an honest way and engender a culture of safety which enables colleagues to raise concerns and to ensure an effective, speedy and sensitive/confidential response.

Colleagues are often the first to identify concerns regarding how care, support or education is being provided and Kisimul Group aims to provide a working environment where colleagues take their professional and moral responsibilities very seriously and feel safe to report any concerns as soon as they come to their attention.

This policy makes it clear that colleagues can report any concerns without fear of victimisation, subsequent discrimination or disadvantage.

The procedures set out in this policy are in addition to any statutory reporting procedures and 'upwards reporting' expectations applying to some services.

### **What is a Whistleblow?**

Whistleblowing is the term used when a colleague or Group employee passes on information concerning alleged wrongdoing of a colleague or other employed person of Kisimul Group, that they have witnessed or become aware of in the course of their duties. This is also sometimes called "making a disclosure"

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things:

- that they are acting in the public interest (this means in particular that personal grievances and complaints are not usually covered by whistleblowing law)
- that the disclosure shows past, present or likely future wrongdoing falling into one or more of the following categories:
  - criminal offences (this may include, for example, types of financial impropriety such as fraud, or abusive practices)
  - failure to comply with an obligation set out in law
  - 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'

### **Aim of this Policy**

This policy aims to:

- Encourage colleagues to feel confident in raising concerns and to question and act upon concerns about practice.
- Provide avenues for colleagues to raise those concerns and receive feedback on any action taken.
- Ensure that colleagues (who provide their contact details) receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassure colleagues that they will be protected from possible reprisals or victimisation where they have a reasonable belief that they may have made any disclosure in good faith.

## Scope

This Policy applies to all:

- Colleagues (and former colleagues)
- Contractors (including agency colleagues)
- Volunteers

Thus, any serious concerns that meet the definition of a whistle blow, that colleagues have about any aspect of service provision, or the conduct of colleagues, or others acting on behalf of Kisimul Group, can be reported under this policy.

This policy and procedure will only be used to investigate 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.

## Roles and 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:

- Maintaining a log of serious whistle blows to enable oversight and scrutiny of whistle blow management, and the identification of themes and trends
- Ensuring effective systems are in place for the management of whistle blows, in line with national standards
- Ensuring themes and trends complaints are reviewed within the formal governance structure, to ensure learning is captured and acted upon as appropriate.
- 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.

### **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.

### **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 necessary for the individual's identity to be made known to, amongst others, a relevant public 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.

### **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.

### **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 Head of Care/Education. However, if there is a reason why this is not appropriate, or possible, then contact should be made with the relevant Director of Adult/Children's Services, or the Director/ Assistant Director of Quality. This can be done via telephone or email, directly.
- Contact the Kisimul Confidential Whistleblowing Helpline – 0800 313 4338, or use the following email address: [whistleblowing@kisimul.co.uk](mailto:whistleblowing@kisimul.co.uk)

### **How Kisimul will respond?**

Kisimul Group will respond to your contact, within one working day, and you will be contacted for further information, and to discuss next steps. In order to protect individuals and those accused 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 taken into account 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



The Health Assured line can be approached where colleagues feel the need to seek external support or counselling. The Helpline is independent of Kisimul Group and can be contacted by phoning 08000305182.

Where any meeting is arranged, to discuss the issues raised, the colleague concerned can be accompanied by a work colleague, if this is their wish.

Kisimul Group will take steps to minimise any difficulties which the whist blower may be at risk of facing as a result of raising a concern. For instance, we will take the following actions:

- We will consider with the person whether they need to move to an alternative working environment whilst the investigation takes place, and take action if necessary
- We will arrange for the person to receive support and advice if they are required to give evidence in disciplinary or criminal proceedings.

Kisimul Group accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will provide the individuals concerned with feedback as far as is possible, and inform them of the outcome of any investigation, although the outcome of any resulting disciplinary proceedings must remain confidential to the individual(s) subject to those proceedings.

Kisimul Group will report serious concerns to regulators and commissioners where the concerns that are raised meet the threshold for external reporting to be made.

### **How the matter can be taken further?**

Kisimul Group will always aim for whistle-blowers to be satisfied with any action taken internally, but if the individual is concerned that the internal avenues have not resolved the issues satisfactorily, or you feel unable to raise the matter internally in the first place, the following are possible contact points:

- Relevant regulatory bodies (Ofsted and CQC).
- The charity 'Protect' (previously known as 'Public Concern at Work') on 020 3117 2520
- Local Citizens Advice Bureau.
- Relevant professional bodies
- 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	<a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
CQC	0300 061 6161	<a href="mailto:enquiries@cqc.org.uk">enquiries@cqc.org.uk</a>

### **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.

## References

- 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/blowingthe-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-peopleand-bodies>

## Appendices

Appendix 1: Whistleblowing poster

[https://kisimul.sharepoint.com/:b:/s/Policies/EQeRSBH\\_kw1DuUDK69ICKlgBTcVC9sxNCLKu7ZwgfS\\_hvg](https://kisimul.sharepoint.com/:b:/s/Policies/EQeRSBH_kw1DuUDK69ICKlgBTcVC9sxNCLKu7ZwgfS_hvg)

## Document equality impact assessment – part A

<b>Document Title</b>		Whistleblowing Policy	
<b>Name of person completing equality impact assessment:</b>			
<b>Date equality impact assessment completed:</b>			
Characteristics	Impact		Equality Impact Assessment form completed?
	Yes	No	
Age			
Disability			
Ethnicity			
Gender			
Religion or belief			
Sexual orientation			
Socio-economic			
Gender Reassignment			
Maternity/Pregnancy			
Marriage/Civil Partnership			

Equality target group	a) Positive impact		b) Negative impact		Reason/comment
	High	Low	High	Low	

## 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:	

## Document change log

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.

Description of change	Change made by	Date document republished