

# Policy and Procedure on Whistleblowing

Policy Author	Tom Burford/HR
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Review	This Policy will be updated when appropriate, in line with any legislative, regulatory or Company changes.
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Staff Groups Affected	All Cambian Staff

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All staff must make sure they are familiar with the detail and what is expected of them under this policy. For quick entry into the sections of the policy click on the links below.

## 1. Monitoring and review

- 1.1. The Proprietor will undertake a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown at the top of this policy, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.



**Jeremy Wiles**  
Group Executive Director – Children Services

**Date: December 2021**

## 2. Purpose

- 2.1. We are committed to conducting our business with honesty and integrity, and we expect all colleagues to maintain high standards in accordance with our Code of Conduct (GHR: 37) and Code of Practice (GHR: 11). However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. Whilst staff obviously forge friendships and allegiances to their colleagues, our primary loyalty at all times should be to those who use our services, and there is therefore a responsibility on every employee to report conduct that is of concern.
- 2.2. This policy ensures that Cambian complies with the Public Interest Disclosure Act 1998 (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage.
- 2.3 The aims of this policy are:
  - To encourage colleagues to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously, investigated as appropriate and that their confidentiality will be respected.
  - Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.
  - To provide colleagues with guidance as to how to raise those concerns and receive feedback on any actions taken.
  - To reassure colleagues that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
  - To assure relatives, parents/guardians, placing authorities and inspection and registration bodies that Cambian gives high priority to securing the highest standards of behaviour from and amongst its employees.
- 2.4 This policy is intended to cover any serious concerns that someone has about any aspect of service provision or the conduct of a member of staff or others acting on behalf of Cambian. It does not form part of any employee's contract of employment and we may amend it at any time.
- 2.5 This policy is in line with:
  - Keeping Children Safe in Education (September 2021)
  - Working Together to safeguard Children (July 2018),
  - Children's Homes Regulations (April 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 20 Principles of The Francis Review 'Freedom to Speak Up' February 2015
- And giving due regard to Prevent Duty Guidance (March 2016),

2.6 This policy is made available to parents, carers, staff and individuals.

### 3. Definition of terms / Glossary

3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. You are protected by law if you report any of the following;

- suspicions or concerns regarding any type of abuse or potential harm to individuals in our care which for some reason cannot be raised under the normal safeguarding procedures as set out in our Child Protection and Safeguarding Policy 25;
- criminal activity;
- failure to comply with any legal or professional obligation or our regulatory requirements;
- danger to health and safety;
- bribery under our Anti-Bribery and Corruption Policy (GHR 31);
- dishonesty, fraud or financial mismanagement;
- breach of our internal policies and procedures including our Code of Conduct;
- unauthorised disclosure of confidential information;
- issues that are not being dealt with through clinical governance reviews or other legitimate avenues;
- if you believe someone is covering up wrongdoing

3.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. All Proprietors and employees have a responsibility to carry out their duties to the highest standards of openness, probity 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 it under this policy.

3.3 The following complaints do not fall under Whistleblowing:

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest. In those cases you should use the Grievance Procedure (GHR 29) or Harassment and Bullying Policy (GHR 02) as appropriate.

Guidance on associated terminology is set out below.

3.4 **Harassment:** A person is harassed when they are subjected to unwanted physical or verbal conduct which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

- 3.5 **Bullying:** A person is bullied when they are subjected to offensive, intimidating, malicious or insulting behavior which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened. Such behaviour may include:
- a staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague;
  - making physical or psychological threats;
  - overbearing supervision;
  - making inappropriately derogatory remarks about a pupil or colleague;
  - persistent unfair assessment of a pupil or colleague's work;
  - Unfairly excluding pupils from classes, projects or events.
- 3.6 Bullying does not include reasonable and constructive criticism of a pupil or colleague's work or behaviour.

## 4. Policy

- 4.1. This policy applies to all employees (either full or part-time), bank workers or others on a temporary or casual contract, secondees, trainees, volunteers, interns or students, people involved in investigations, independent consultants, agents or sponsors for Cambian group and suppliers of services contracted to Cambian.
- 4.2 Where there is evidence of any criminal activity or child safeguarding issues, the police and/or the Local Safeguarding Children's Board (LSCB) / Child Protection Unit shall be informed immediately, in accordance with Cambian's Child Protection and Safeguarding Policy as appropriate.
- 4.3 If you are uncertain whether something is within the scope of this policy you should seek advice from the Director of HR, or from Public Concern at Work, an independent charity, whose contact details are set out in section 7.5
- 4.4 This policy does not release employees from their duty;
- Of confidentiality in the course of their work
  - To undertake and participate in (as appropriate clinical governance reviews)
  - To participate in investigations
  - To follow company procedures.

## 5. Training

- 5.1 Cambian will ensure that training courses which include whistleblowing will include awareness of how employees can raise concerns and highlight the whistleblowing helpline. Whistleblowing is covered in Cambian's e-learning modules (Myrus) – Safeguarding Children and Dealing with Concerns at Work. Whistleblowing is also incorporated into safeguarding workshops and induction courses.
- 5.2 Cambian will ensure that whistleblowing policy and procedure will also be discussed as part of the supervision programme and at staff meetings and other opportunities.

## 6. Procedure

### Raising a whistleblowing concern

- 6.1. The procedure for raising and responding to a whistleblowing concern is set out below and in GHR **30.03 Cambian Whistleblowing - Raising a Concern procedure** and GHR 30.04 **Cambian Whistleblowing - Handling a Concern procedure**.
- 6.2. We would expect that in the majority of cases you will raise any concerns with your line manager, unless you suspect your line manager to be involved, in which case please contact the Regional Manager/Lead or the Managing Director of your division, functional head or any of the Whistleblowing Officers (Section 7.5). You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. Your manager should make a written record of your concern, and ensure that it is properly investigated, feeding back to you as appropriate. In all cases they should refer the matter to the Whistleblowing Officer so that a complete record of all such concerns and the action taken and outcomes, is recorded.
- 6.3. However, 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 Cambian for any reason, you should contact our confidential independent external telephone hotline, on 0800 086 9128 (a Freephone number). This hotline is run on a 24hours, seven days a week basis by Navex Global, an independent specialist provider of whistleblowing services. Alternatively, you can contact Navex Global's EthicsPoint online service and record your concerns using their secure on-line portal at [cambiagroup.ethicspoint.com](http://cambiagroup.ethicspoint.com)
- 6.4. EthicsPoint will take down a written summary of your concern and read this back to you to ensure that they have accurately recorded your concerns. EthicsPoint will then notify the Cambian Whistleblowing Officers that a concern has been raised with them by secure e-mail and the Whistleblowing Officers will ensure that an investigation commences. After you have completed your report you will be assigned a unique code called a 'report key'. You will need to write down your report key and password and keep them in a safe place. After 5-6 business days you will be able to use your report key and password to check your report for feedback or questions.
- 6.5. Whether an individual raises a concern confidentially, via EthicsPoint, with their line manager or in any other fashion, Cambian's investigation and response time will be consistent and Cambian will be accountable for the same level of response (see '**Investigation and outcome**' below).

### **Confidentiality**

- 6.6. Whichever route you use to raise your concern, we hope that people 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 secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 6.7. 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 Head of Legal or one of the other Whistleblowing Officers and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, an independent whistleblowing charity who offer a confidential helpline for individuals who are thinking of whistleblowing. Their contact details are set out in section 7.5 of this policy.

6.8. Cambian has a duty to pass on information to others if this is required as a matter of law or in the public interest. On occasion 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
- Cambian is involved in legal proceedings and Cambian's papers are open to scrutiny. If this happens, Cambian will discuss this with the employee beforehand.

### **Investigation and outcome**

6.9. All whistleblowing incidents, regardless of the route, are sent to the Head of Employee Relations, who will nominate an investigator or team of investigators with relevant experience and specialist knowledge of the subject matter. The relevant Managing director will also be notified in the first instance, unless they are directly implicated. If the whistleblowing incident concerns a procurement or financial irregularities, the Chief Finance Officer (CFO) and Group Financial Controller will also be notified in the first instance.

6.10. We will seek to inform you as soon as possible and in any event within 20 working days of either the outcome of our assessment or how the investigation is progressing. If you have raised a concern through the EthicsPoint hotline, you can always contact them for an update on 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 report 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.

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

6.12. 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 an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **If you are not satisfied**

6.13. While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

6.14. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other Whistleblowing Officers

### **External disclosures**

6.15. The aim of this policy is to provide an internal mechanism for reporting, investigating, remedying and learning from any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

6.16. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert



the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are included in section 7.5.

- 6.17. Whistleblowing concerns usually relate to the conduct of our colleagues, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first.

**Protection and support for whistleblowers**

- 6.18. It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support colleagues who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 6.19. Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment as a result of raising a whistleblowing matter, you should inform the Whistleblowing Officers immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 6.20. You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.
- 6.21. 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 report the matter to one of the Whistleblowing Officers or the whistleblowing hotline.

**7. Accountability**

- 7.1 The Whistleblowing Officers, whose details are set out in below have day-to-day operational responsibility for this policy, and must ensure that all managers, head teachers and other colleagues who may deal with concerns or investigations under this policy receive regular and appropriate guidance on its use.
- 7.4. All colleagues are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.
- 7.5. Contact details:

Whistleblowing Hotline (24 hours)		0800 086 9128 (EthicsPoint)
Navex Global's EthicsPoint Website		<a href="http://www.cambiangroup.ethicspoint.com">www.cambiangroup.ethicspoint.com</a>

Cambian Whistleblowing Officers	<b>Tom Burford</b> Group Executive Director – Quality Improvement	07711 765 786 <a href="mailto:tom.burford@caretech-uk.com">tom.burford@caretech-uk.com</a>
	<b>Shilleen Freeth</b> Head of HR (Children’s Services)	07929042220 <a href="mailto:Shilleen.freeth@cambianguroup.com">Shilleen.freeth@cambianguroup.com</a>
Public Concern at Work		020 3117 2520 <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>

7.6 Employees should also be aware that they can contact a number of independent external organisations such as the Care Quality Commission, Ofsted, CCSIW and the Healthcare Inspectorate of Wales.

## 8. Standard forms / Documents / supporting policies

8.1 Listed below are the supporting documents and other policies which support this policy:

- GHR 02.00 – Harassment and Bullying Policy
- GHR 37.00 – Code of Conduct
- GHR 11 – Code of Practice
- GHR 29.00 – Grievance Procedure
- GHR 30.02 – EthicsPoint Letter to All Staff
- GHR 30.03 – Cambian Whistleblowing – Raising a Concern Procedure
- GHR 30.04 – Cambian Whistleblowing – Handling a Concern Procedure
- GHR 30.03 – A3 Poster EthicsPoint
- GHR 31.00 – Anti-Bribery and Corruption Policy
- O25 - Child Protection and Safeguarding Policy