

KEYS CHILDCARE LTD

Human Resource Policy

Policy : Policy and Procedure for Raising Employee Concerns
(Whistle Blowing)

Policy No : HRP 53

Scope : This policy covers all Keys employees

Standard Statement Aim:-

This policy and procedure is designed to encourage employees to notify management of any concerns they may have about practice within the organisation which could have a damaging effect on residents, service users, other employees, or the reputation of Keys Childcare.

This policy is primarily for concerns where the interest of others or the organisation itself is at risk. *If in doubt raise it.* This procedure enables employees and former employees to raise concerns about malpractice at an early stage and in the correct way.

Guidelines:

1. This procedure sets out the rights and responsibilities of employees and managers of Keys Childcare who wish to raise genuine concerns about ill treatment of service users, crime, failure to comply with legal duty, miscarriage of justice and issues relating to health and safety. The policy takes into account the Public Interest Disclosure legislation, which will protect workers making disclosures about matters of concern.
2. As far as practicable, the Company will respect your confidentiality, but obviously this cannot be guaranteed in all circumstances (eg if the matter proved to be a criminal offence, police may be involved).
3. The Company wishes to encourage a culture of openness, which includes welcomed constructive criticism and increased confidence in Keys Childcare's determination to improve quality.
4. Managers will be encouraged and assisted in developing good communication and an open, supportive environment.
5. Employees will be encouraged to raise questions about areas of concern with their manager or during departmental meetings as appropriate. This will allow practices to be modified before they reach a point where they create a problem or cause harm.
6. Anyone raising concerns about unacceptable practice can expect these to be investigated without fear of being penalised for raising them.

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7. Concerns can be raised by phone or in writing. This will start a confidential and independent process.
8. Examples of issues which might be raised would include:
 - Conduct which is an offence or a breach of law
 - Sexual, physical or verbal abuse of clients, employees or the public
 - Health and safety risks to the public, clients and employees
 - Damage to the environment
 - The unauthorised use of company funds
 - Possible fraud or corruption
 - Disclosure related to miscarriage of justice
 - Unethical conduct
9. All concerns will be dealt with promptly and sensitively.
10. The more information that can be supplied, including dates, times, details and names the greater the opportunity to establish the facts, but on no account should anyone try to investigate themselves.
11. The employee raising concerns will be informed of progress and the outcome of any investigation. If action is not taken, a full explanation will be provided.
12. The members of the public who use the services of Keys will, so far as is possible, be assured that the highest standard of services are expected and that facilities are in place to allow employees to raise concerns if these are not met.
13. The Company will not tolerate the harassment or victimisation of anyone raising a genuine concern.
14. Employees who maliciously make false allegations may be disciplined under the Company's disciplinary procedure.

Procedure

Informal Stage

Employees should always try to raise any concerns on an informal basis with their Manager in the first instance. Where there is an unwillingness or inability to pursue the matter informally, or where the informal approach is considered to have been ineffective, then the formal stages of the procedure should be followed. Concerns may be raised verbally or in writing.

Formal Stage

Stage 1 When an employee is concerned that appropriate action has not been taken, or the line manager is the subject of concern, the matter should be referred, preferably in writing, to the Manager, and/or HR Department. Any

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written submission should contain as much of the following information as possible:

- Background to the concerns
- Identification of names
- Dates
- Times and Places
- Reason for concern

Anyone making a verbal complaint should expect questions to be asked in respect of these areas so that a formal written record of the complaint can be made. Indication must be given if the matter is raised in confidence in order that appropriate arrangements can be made.

If the situation arises where we are not able to resolve the concern without revealing the identity of the complainant, the manager will discuss whether and how it can proceed.

Stage 2 This stage of the procedure should be used when:

- The employee raising the concern is not satisfied with the response of the Manager, or
- The employee feels that the Manager is involved or implicated in the case or
- The employee wishes for the matter to be dealt with outside the normal lines of the management chain.

In such cases the matter should be raised in writing to the Regional Manager, providing the details indicated in Stage 1.

As with Stage 1, where this is the first point at which the concern is raised, indications must be given if the matter is to be dealt with in confidence.

How the matter will be handled

1. Once the concern is raised it will be looked into and initially assessed to determine what action should be taken. This may involve an internal enquiry or a more formal investigation. The employee will be informed of who will be handling the matter, how he/she can be contacted and whether further assistance may be required.
2. Upon request, a written summary of concerns and the proposed procedure to investigate can be made available to the employee. Please note however that the precise action taken may not be released where this would infringe on a duty of confidence owed to someone else.
3. The employee may be asked how he/she thinks the matter might best be resolved.
4. If the employee has any personal interest in the matter this should be disclosed from the outset.

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5. If the concern falls more purposely within the grievance procedure the employee will be notified accordingly.

Employee Responsibilities

- To raise any justifiable concerns where there is a belief or actual evidence of malpractice, it should be noted that to raise a concern maliciously, or without any foundation, may lead to a disciplinary action being taken.
- To initially raise concerns wherever reasonably practical to do so within and through the procedure before raising them with anyone outside the organisation.
- To maintain at all times appropriate confidentiality.
- To ensure that their own conduct and/or professional practice is, in their own judgement, beyond criticism.

Employee Rights

- To be allowed to raise concerns formally or informally within the procedure without fear of harassment or victimisation.
- To expect acknowledgement of any concerns raised formally within five working days.
- To be advised within three weeks of how the matter is being or will be dealt with and to receive some indication of when to expect a full response to the outcome. In the event that the process takes a considerable time, the individual raising the concern should be advised at regular intervals of the progress being made to investigate the matter.
- To be allowed to be supported and assisted at all stages of the procedure by a colleague or a trade union representative.

Management Responsibilities

- To treat any concern raised as potentially serious and therefore to decide what action needs to be taken as quickly as possible.
- To create a climate within their sphere of responsibility where employees feel able to express their concerns with confidence and ease, ensuring confidentiality as requested wherever possible.
- To respond formally within the time scale and to ensure that the employee is kept informed of progress.
- To ensure that no employee is victimised for raising concerns.

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- To report any concerns raised that relate to practice to their manager and to ensure that any concerns raised about the practice of any other professional within the service are reported to the relevant professional head.
- To undertake or appoint someone to undertake any necessary investigations to determine the validity, scale and seriousness of the concerns raised and in order to decide what actions should be taken to resolve the matter.
- To seek advice as necessary, eg. from the Senior Management Team, HR or other professionals as necessary.
- It is important to recognise that high standards of practice are essential if children are to be protected and safeguarded and all concerns must be reported.

Independent Advice

If unsure whether to use this procedure or if it is felt that independent advice is required please contact the independent charity – public concern at work (0207 404 6609 or visit their website: www.pcaw.demon.co.uk/main.html), which provides free confidential advice about how to raise a concern about serious malpractice at work. In all circumstances, names and personal details must not form part of these enquiries.

External Contacts

While it is hoped that this policy provides the reassurance needed to raise such matters internally, it is recognised that there may be circumstances when it may appear necessary/appropriate to report matters to outside bodies such as regulators or the police. Trade unions, professional bodies or independent charities, such as public concern at work will be able to advise on such an option and all the circumstances in which an employee may be able to contact an outside body safely.

While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised the matter with the appropriate regulator than not at all, provided you are acting in good faith and you have evidence to back up your concern. If you are unhappy with our response, remember you can go to other levels and bodies detailed in this policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this.

Consideration

- Where whistleblowing complaint rises an issue that has safeguarding implications consideration must be given regarding notification to the relevant bodies, for example Ofsted, RQIA, NISCC, CSSIW,ISA.
- Should HR receive the whistleblowing complaint it must be passed to the Head of Residential and COO Operations for instruction to how to proceed.
- Should a whistleblowing complaint be received from an ex-employee it must be treated in the same way.

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