

## Whistleblowing Policy

### Quality Standards

Legislation	Details
Regulation 4: The leadership and management standard	The leadership and management standard is that the registered person enables, inspires and leads a culture in relation to the supported accommodation undertaking that puts children first and prioritises their wellbeing and development.
Regulation 5: The protection standard	Ensure that staff have the skills to identify and act upon signs that a child is at risk of abuse, neglect, exploitation or any other harm, and act to reduce such risk and work collaboratively with other professionals and agencies, and share information where relevant to keep children safe.

### Key Principles

Principle	How this applies to Whistleblowing
I feel safe and secure where I live and in my wider environment.	Employees raising concerns regarding malpractice, risks to young people and unethical or illegal acts keeps the young people in our care safe and secure.
I have strong, trusting, and meaningful relationships within my support system and can rely on the adults around me.	Promoting an open and transparent culture in which staff feel comfortable raising concerns not only builds trust between staff but also between staff and young people, building a support system they can rely on.

**This policy should be read in conjunction with our:**

- Allegations Against Staff Member Policy
- Compliments and Complaints Procedure Policy
- Safeguarding Young People Policy
- Confidentiality Policy

**Policy Statement**

**Policy Aims**

This policy is intended to set out the values, principles and policies underpinning Orchard Therapeutic Care Ltd's approach to whistleblowing. Orchard Therapeutic Care Ltd understands 'whistleblowing' to refer to actions taken by an employee or employees to raise concerns about:

- alleged, suspected or observed malpractice
- assessed, identified or perceived risks (e.g. to the safety of service users)
- unethical conduct or possible illegal acts.

Any of the above could harm, or create a risk of harm, to young people, colleagues or the general public. This whistleblowing policy reflects the principles set out in the Francis review ‘.

The policy should be read and used alongside Orchard Therapeutic Care Ltd's *Compliments and Complaints Procedures* and *Allegations Against Staff Member Policy*. Orchard Therapeutic Care Ltd recognizes that 'whistleblowing' is distinct from a complaint in that 'whistleblowers' by definition raise their concerns as employees. Complaints about the service are raised by young people, others acting on their behalf or members of the public. However, it is recognised that similar procedures should be followed to respond to complaints and whistleblowing.

**Definition**

'Whistleblowing' is when someone who works for an organisation passes on information that they reasonably believe to demonstrate wrongdoing, or the concealment of wrongdoing, by that organisation. For instance, an activity that breaks the law, or creates a risk to the health and safety of others. The concern may relate to something that has happened, is happening, or is thought to be at risk of happening in the future.

## **Introduction**

The importance of raising concerns at work in the public interest, or 'whistleblowing', is recognised by employers, workers, trade unions and the general public.

It is essential that individuals feel safe and listened to when raising concerns. An open approach to whistleblowing promotes honesty and transparency and encourages staff members to treat young people ('service users') with dignity, respect and compassion. Through this approach, the safety and well-being of service users and the provision of effective support became part of the Orchard Therapeutic Care Ltd ethos.

Orchard Therapeutic Care Ltd also recognises business-related reasons for listening to workers who raise their concerns. It gives the service an opportunity to identify and correct poor practices at an early stage before they can become embedded in routine and lead to serious incidents. Whistleblowing has been shown to be an effective contributor to service improvement and therefore better practice.

For employees, the freedom to raise concerns without fear of repercussion enables them to be proactive in doing what they believe to be right and encourages them to reflect and improve upon their own practice.

## **Guiding Principles**

The 'whistleblowing' principles adhered to by Orchard Therapeutic Care Ltd can be summarised as follows:

- Orchard Therapeutic Care Ltd will promote an open and transparent culture, which encourages staff to act on and report any concerns about practices that fall below acceptable standards.
- staff members are the people most likely to observe and be in a position to report on bad practice.
- employees who raise genuine concerns about harmful practices which they come across in their work (as described above) must be taken seriously.
- they will not be regarded as difficult or troublesome workers to be penalised in some way.
- Orchard Therapeutic Care Ltd will listen to and thoroughly investigate every concern raised by a staff member as they would if the matter was raised as a complaint by a service user or others acting on their behalf.
- in line with the Public Interest Disclosure Act 1998, Orchard Therapeutic Care Ltd will make sure that staff members who raise, in good faith, reasonable concerns about unacceptable practices are not victimized as a result.

Orchard Therapeutic Care Ltd applies these principles in their approach to whistleblowing policy and the procedures that all staff are expected to follow.

## Legal Requirements

Employment law provides legal protection to employees who have lost their job due to 'whistleblowing' or have otherwise been victimised. To receive this protection, a whistleblower must:

- be employed by the organisation about which they are whistleblowing
- have a reasonable belief that they are acting in the public interest
- Whistleblow to either the appropriate people within their organisation or to a relevant third party, such as one that inspects or regulates the activity of the organisation in question.

For this purpose, 'employee' here includes current permanent workers, temporary agency staff, home/flexible workers, trainees on vocational schemes, and those whose employment has ended. It does not cover the self-employed, volunteers or foster carers. Although these groups are not covered by the legislation that protects whistleblowers, Orchard Therapeutic Care Ltd will nevertheless ensure that their concerns are listened to, taken seriously and raised with the appropriate person.

The Public Interest Disclosure Act 1998 (PIDA) amends the Employment Rights Act 1996 (ERA) via the addition of Part IVA 'Protected Disclosures'. It offers protection to employees from any negative consequence from their employer as a result of the employee making a protected disclosure (also referred to as a 'qualifying disclosure').

For a disclosure to qualify as a 'qualifying disclosure', it must:

- in the reasonable belief of the worker making the disclosure, be made in the public interest and demonstrate one or more of the qualifying factors outlined in Section 43B of the ERA
- be made to one of the individuals specified in Sections 43C to 43F of the ERA
- It may also be appropriate for a worker to make a disclosure under Section 43G 'Disclosure in other cases' or Section 43H 'Disclosure of

exceptionally serious failure' under certain circumstances, including if the employer has reason to believe they will be subject to detriment by their employer or that the organisation will conceal evidence related to the failure being disclosed.

Complaints from service users or their representatives, and grievances from staff members, are both distinct from the act of whistleblowing and Orchard Therapeutic Care Ltd has separate policies and procedures that should be followed for both.

### **The Duty of Candour for Professionals**

Orchard Therapeutic Care Ltd and all of its staff are committed to an honest and transparent approach to providing support services for young people. When something goes wrong in relation to the support given to a young person, or something causes or has the potential to cause harm or distress to them, the young person will be informed without delay.

In the event of a mistake, setback or otherwise preventable issue, Orchard Therapeutic Care Ltd staff will:

- inform the young person (or, where appropriate, their family, advocate or social worker) when something has gone wrong
- apologise to the young person (or, where appropriate, their family, advocate or social worker)
- offer an appropriate remedy or support to rectify the mistake
- explain to the young person in full detail (or, where appropriate, their family, advocate or social worker) the short- and long-term consequences of what has happened.

All staff must be equally open and honest with their colleagues and management at Orchard Therapeutic Care Ltd and take part in reviews and investigations when



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requested. An equal level of transparency is required when communicating or cooperating with the Local Authority.

Staff must encourage and support each other to be open and not prevent anyone from raising concern. Everyone at Orchard Therapeutic Care Ltd has a role to play in promoting a culture of honesty and candour.

### **Whistleblowing Procedures**

Orchard Therapeutic Care Ltd recognize that its staff members have a duty of care, and moral and legal obligations to report all incidents where they consider vulnerable young people or colleagues to have been harmed or are at serious risk of being injured or harmed in the course of their work.

Orchard Therapeutic Care Ltd considers that these obligations to report such incidents, which include suspected breaches of the homes or other employees' professional codes of conduct, override any other considerations such as loyalty to colleagues.

Any member of staff who witnesses or suspects abuse by another member of staff should report the matter without delay to their supervisor or manager. The manager will accept responsibility for the actions that follow and will assure the 'whistleblower' that they have acted correctly by reporting the matter, will not be victimized and their confidentiality is assured unless there are overriding e.g. legal reasons for disclosing their identity.

The Orchard Therapeutic Care Ltd manager is **Renata Czechowicz** and can be contacted via email [renata@hitchcoxgroup.co.uk](mailto:renata@hitchcoxgroup.co.uk)

Orchard Therapeutic Care Ltd accepts that there may be occasions when the staff member does not feel confident or able to report in the first instance to the manager. In these circumstances, it is recognised that the whistleblower might need to take their concerns to a company director.



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The Orchard Therapeutic Care Ltd Director and Nominated Individual is **Ludivine Parmentier** and can be contacted via email [ludivine@hitchcoxgroup.co.uk](mailto:ludivine@hitchcoxgroup.co.uk)

Orchard Therapeutic Care Ltd also accepts the right of any staff member, who thinks that their concerns are not being or might not be properly responded to or addressed, to report their concerns to an outside authority. This could be the police, Ofsted, General Medical Council (GMC), the Local Safeguarding Adult's Board or Local Safeguarding Children Board or the Local Authority. Each of these organizations can be expected to respond in line with their respective procedures. Again, in line with its Public Disclosure Interest Act responsibilities, Orchard Therapeutic Care Ltd will not penalize or victimize any staff member who responsibly reports their concerns in any of these ways.

Staff making such a report must be prepared to answer questions such as:

- Do they believe a service user is at immediate risk of harm?
- What are the facts of the situation?
- Do any of their colleagues share their concerns?
- Have the concerns been raised with management before and, if so, what was the response?
- What do they believe should be done?

### **Investigating and Dealing with Allegations**

The manager to whom abuse by a staff member is reported will take the necessary steps under its safeguarding policy. In addition, the manager will if possible protect the source of the information.

If a manager fails to act promptly, suppresses evidence or is involved in any action to discourage whistleblowing, they will be liable for disciplinary action.



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Orchard Therapeutic Care Ltd's Registered Manager is responsible for coordinating the response to concerns or allegations against staff. Where there is a lack of clarity or the Registered Manager is uncertain, they will seek an independent view from the young person's social worker and the Local Authority Designated Officer (LADO).

The Designated Officer is **Jo Lloyd** and she can be contacted via:

**Phone:** 01865 810 603

**Email:** [lado.safeguardingchildren@oxfordshire.gov.uk](mailto:lado.safeguardingchildren@oxfordshire.gov.uk)

**Office Address:** Oxford County Council, County Hall, New Road, Oxford, OX1 1ND

### **Commitment to Staff**

Orchard Therapeutic Care Ltd assures its staff that their concerns about any possible mistreatment of its service users will be listened to and investigated.

Staff members are encouraged to raise any concerns directly or in writing. They are also entitled to make their representations accompanied by a work colleague or trade union representative as they decide and think fit. They might also wish to obtain witness statements.

Orchard Therapeutic Care Ltd undertakes to assess and investigate any concerns impartially and objectively so that it can be fair to all parties concerned to clarify the facts before taking further actions. Any actions taken will depend on the nature of the concerns.

Orchard Therapeutic Care Ltd's management will keep any staff members affected by an investigation aware of the actions being taken and the outcomes, taking into account the need to respect the possible confidentiality of some of the information relating to other staff members and service users which has developed in the process of the investigation.

Information will usually be treated with the utmost confidence. This might not be possible in all cases, e.g. if the alleged malpractice requires reporting to the police and/or the local safeguarding children/adults board.

## Unjustified Reporting

Orchard Therapeutic Care Ltd's managers take reports from whistle-blowers seriously and investigate all allegations thoroughly. Any allegations against colleagues, however, which are found to be unwarranted or malicious, may render the person who made them liable to disciplinary action.

## Dealing with Interference with or Victimisation of “Whistleblowing” Staff

Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager or who bullies attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings.

A whistleblower who feels themselves to be subject to hostile action from colleagues should inform their manager, who should, if necessary, take steps to alter the staff member's duties so as to protect them from the hostile action.

Orchard Therapeutic Care Ltd provides staff with information on how to make contact with the Public Concern at Work organization that has been established to protect whistle-blowers from victimization and bullying.

## Freedom to Speak Up

The **Francis Review**, led by Sir Robert Francis in 2013, focused on the culture of openness and transparency in the National Health Service (NHS) in the UK, particularly following the Mid Staffordshire NHS Foundation Trust scandal. One of the key aspects of the review was promoting a culture where staff members could raise concerns about patient safety and care without fear of retaliation. The **principles of freedom to speak up** outlined in the **Francis review** emphasize creating a supportive and transparent environment for speaking out about concerns. These principles are:

## **1. A Culture of Openness and Transparency**

- There should be an environment where all staff feel they can speak up about concerns related to patient care, safety, and well-being without fear of negative consequences. This includes promoting a culture that values transparency in decision-making and action.

## **2. Support for Staff to Speak Up**

- Organizations should offer clear channels and mechanisms through which staff can voice their concerns. This includes making sure there is support available for staff who feel they may be at risk of retaliation for raising issues.

## **3. Protection Against Retaliation**

- One of the central tenets of the Francis Review is that staff must be protected from any form of retaliation, whether overt or subtle, after raising a concern. This protection is critical in ensuring that individuals are willing to come forward and report unsafe practices or breaches in care.

## **4. Leadership and Accountability**

- Senior leadership in healthcare organizations should take responsibility for creating an environment that encourages speaking up. Leaders must set the tone by promoting openness and being responsive when concerns are raised. They must also ensure that the necessary structures and systems are in place to support staff.

## **5. Whistleblower Protection**

- The review stresses that staff members who whistleblow should be safeguarded from any form of victimization. Clear, accessible policies must exist that provide legal and organizational protections for whistleblowers, ensuring their concerns are taken seriously.

## **6. Clear Reporting Channels**

- There should be a straightforward process for reporting concerns. This process needs to be transparent and easy for staff to understand, ensuring there are no barriers to speaking up. These channels should allow staff to raise issues anonymously if they prefer.

### **7. Follow-up and Feedback**

- When concerns are raised, there should be an established process for follow-up and feedback. Staff should be kept informed of the outcome of the concerns they've raised, and the organization should demonstrate that action has been taken to address any issues.

### **8. Training and Awareness**

- Healthcare organizations should invest in training programs that educate staff about the importance of speaking up, how to do so, and the mechanisms available to them. This helps normalize the process and ensure everyone is aware of their rights and responsibilities.

The **Francis Review** highlighted that a culture of silence can be dangerous, particularly in healthcare settings, where poor care and safety issues can have severe consequences. By implementing these principles, the review sought to improve transparency, accountability, and the overall safety of patient care.

In short, the principles focus on creating a culture where people feel safe, supported, and encouraged to speak up about concerns, ultimately leading to better quality of care and accountability.

### **Training**

All new staff receive training in this policy on whistleblowing as part of the induction training. All staff receive updated training as policies change.

### **Contacts**

- Oxfordshire Safeguarding Children Partnership

- MASH: Office Hours 8.30am – 5pm, Monday to Thursday, 8.30am – 4 pm Friday
- Outside office hours: Emergency Duty Team: 0800 833 408.
- Email: [oscb@oxfordshire.gov.uk](mailto:oscb@oxfordshire.gov.uk)

Children's Commissioner for England: Contact them about matters relating to the rights, welfare and interests of children in England.

- The Office of the Children's Commissioner  
Sanctuary Buildings  
20 Great Smith Street  
London  
SW1P 3BT
- Tel: 020 7783 8330
- E-mail: [info.request@childrenscommissioner.gov.uk](mailto:info.request@childrenscommissioner.gov.uk)
- Website: [www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)

Ofsted: Contact them about matters relating to regulation and inspection of children's social care.

- Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD
- Tel: 0300 123 3155
- E-mail: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

National Society for the Prevention of Cruelty to Children (NSPCC)

- 24-hour helpline: 0808 800 5000
- Childline: 0800 1111

- NSPCC Whistleblowing Advice Line: 0800 028 0285

### **Further Guidance**

- Government guidance for potential and actual whistleblowers.
- NSPCC Whistleblowing Advice Line
- Raising Concerns with Ofsted about children's social care services.
- Free, confidential support for potential whistleblowers.
- Support for social care employees and managers who have concerns.

### **Monitoring and Review**

The Registered Manager will check this policy is working properly and they will review it at least once a year. We will make improvements to the policy wherever we can.

Employees are invited to suggest any ways the policy can be improved.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

### **After reading this Policy, you should be able to:**

- Understand what Whistleblowing Policy is and how the Whistleblowing Policy operates.
- Understand how Whistleblowing Policy operates at Orchard Therapeutic Care Ltd and have an awareness of the actions we take in preventing, identifying and reporting concerns.
- Understand the role you play in Whistleblowing Policy.

If you have not understood any of these points, please ask your Line Manager or trainer for further help

### **Policy Review**

A Director will review this policy at least once a year to make any updates needed.

### **Authorisation and Signature**

This Policy is the authorised version agreed by the CEO of Orchard Therapeutic Care Ltd.

All employees are expected to follow this policy and failure to do so could result in disciplinary action.



Ludivine Parmentier

Chief Executive Officer