



FORTITUDE **FOSTERING**

'SPEAK OUT' POLICY **("WHISTLEBLOWING")**

Fortitude Fostering Community Interest Company (Fortitude) strives to safeguard and act in the interest of the public, its employees and for the welfare of children. This policy applies to all employees of the Company. Other individuals performing functions in relation to the Company, such as agency workers and contractors, are encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by employees of the Company is reported and properly dealt with. The Company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Carers, children, young people and staff will be able to access these services at any time to express concerns about actions within the workplace once they have spoken to their SSW's/carers/registered manager and responsible individual. It can also be used as an alternative if people do not wish to speak to anyone within the Company. Please read this policy in conjunction with the complaints procedures and safeguarding strategy as this provides details of outside agencies that can be accessed to support Whistleblowing.

Background

The public interest disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- a criminal offence;
- a failure to comply with any legal obligation;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment; or
- an attempt to conceal information on any of the above;

is being, has been, or is likely to be, committed.

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the Company's responsibility to ensure that an investigation takes place.

Policy statement

Fortitude exists to look after vulnerable children and young people who have often suffered harm. Crucial to our success is the dedication, professionalism, and skill of our staff.

However, our work with vulnerable children & young people places staff and foster carers in a position of power. In order to retain the trust of those we are trying to help, it is essential that we take all reasonable steps to ensure that this power is exercised responsibly.

We will ensure that our systems for recruitment and management reflect this responsibility. We will also ensure that a climate exists in which concerns are taken seriously and dealt with thoroughly and fairly. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Everyone should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.



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Purpose of the Policy

Staff, managers and foster carers and children have the right and the responsibility to raise genuinely held concerns about abuses of power and trust by colleagues towards:-

- Children using our services.
- Any other children.
- Adult service users, e.g. supervising social workers;
- Other employees, eg Registered Manager, Responsible individual or manager.

This policy is designed to ensure that genuinely held concerns are raised and effectively addressed. The policy will also apply to people involved in working with the Company though not employed by it, e.g. students on placement, consultants, agency workers, contractors etc.

Any concerns about the actions or behaviour of such staff should be reported in accordance with the section on Using the Policy and the manager receiving the concern should pursue the matter with the employer, placing college or professional body of the person about whom concerns have been raised.

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, workers should not agree to remain silent. They should report this matter to their manager.

No one exercising their responsibilities under the 'Speak Out Policy' to raise a protected disclosure, will be penalised for doing so.

Any attempt to victimise employees for raising genuine concerns or to prevent such concerns being raised will be regarded as a disciplinary matter.

Any attempt to abuse this policy by maliciously raising unfounded allegations will also be regarded as a disciplinary matter.

The Speak Out Policy **does not**:

- Require employees to prove that their suspicions are well-founded; nevertheless, they should have reasonable grounds for their suspicions.
- Replace the Grievance Procedure, which is available to employees concerned about their own situation.
- Replace the Disciplinary Procedure, although the policy may lead to disciplinary proceedings.

The Policy **does** require management to act quickly and appropriately where there are concerns about:

- Children using our services.
- Any other children.
- Adult service users.



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- Foster Carers
- Other employees.

Personal awareness for those working with children & young people

In working with vulnerable children, staff and families need to recognise as far as possible the impact that their behaviour, speech and presentation will have on children. Those working with children should also be aware that games involving physical contact could be misinterpreted by children or can frequently be used by abusers as part of the “grooming” process.

Therefore, any contact should only be used where relevant to the needs of the child, should form part of the care plan and should be reflected in the recording and supervision. Workers should recognise that children need to deal with the pain of their experiences through acknowledgement and expression of their feelings. Physical contact meant as comfort can stifle this process.

How do I raise concerns?

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the company's grievance procedure.

You should discuss disclosures with your line manager or, if you prefer, the responsible individual or registered manager. Foster Families should raise concerns with their Supervising Social Worker or through the Registered Manager or Responsible Individual.

Before formally raising your concern, **write down exactly what happened**. This will help you get your thoughts straight. If you're upset, worried or angry it can be difficult to structure your thoughts when you come to speak about it. Before you approach the relevant person, write down what happened, when and where. Keep it as factual as possible, recording any events in chronological order. **Try to remain as objective as possible**.

When writing down what happened, make a note of the policies and procedures, professional codes or human rights that you feel have been breached. If you are a Social Worker, apply the skills you would use when assessing a case, in which you would consider the impact of certain actions and behaviours on the outcomes for service users.

Consider approaching colleagues or the entire team if you think they may share your concerns. “It won't work for all situations, because sometimes – like in [the Winterbourne View case](#) – the whistleblower is a lone voice and colleagues are the ones committing the abuse. Sometimes, you may find several people will be worried about the same thing. There is strength in numbers. If you are worried that colleagues might change their minds about blowing the whistle at a later stage, ask them if they would be willing to sign a written statement.

Gather evidence. As well as the notes you have made about what happened, when and where, consider whether there are any files, emails, notes in your diary or other documents that could back up your concerns.

Keep notes on the whistleblowing process. Regardless of whether or not you initially raise your concerns verbally, make sure you keep note of what was said in written form, perhaps by emailing the person afterwards with a summary of the main points. Keep a



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record of the dates of any meetings and what was discussed.

What if I feel unable to speak to either my manager or her/his manager?

Then you can raise the matter through the following.

By Contacting the Local Authority Designated Officer in West Sussex this is LADO@westsussex.gov.uk

Or by contacting the NSPCC dedicated Whistleblowing Advice Line on 0800 028 0285 or emailing them on help@nspcc.org.uk or our host authority West Sussex County Council.

Ofsted, Whistle Blowing Hotline (WBHL), Piccadilly Gate, Store Street, Manchester, M1 2WD; ring on 0300 123 3155 or email whistleblowing@ofsted.gov.uk

What happens when I raise my concerns?

This will depend largely on the nature of the concerns you raise. However, in all cases, the manager, or other person, with whom you raise your concerns will arrange to meet you as soon as possible and away from the workplace, if necessary, to enable you to explain fully what your concerns are and why you have them.

We will ask you how you wish to see the concern resolved and whether you would want to be told about how we will conduct the investigation. The manager will tell you either at that meeting or as soon as possible afterwards, what action will be taken in response to the issues you have raised. You will be told the outcome of any investigation into your concerns. Sometimes, however, it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party. Where action is not taken, you will be given an explanation.

Can I bring someone to support me when I meet the manager to discuss my concerns?

Yes, but because issues raised under the Speak Out Policy will often be of a sensitive nature, you should discuss the matter with as few people as possible.

How long will it take for my concerns to be addressed?

This will depend on the nature of the issues you raise. Wherever possible, the matter will be addressed within 28 days of you raising it.

What can I do if I am unhappy with the actions taken in response to the concerns I have raised?

If you do not agree with the way your concerns have been dealt with by the registered manager, you may in the first instance notify the responsible individual, R.Johnson@fortitodefostering.co.uk. Thereafter, you may speak to both the Registered Manager or Responsible Individual or seek advice from NSPCC, the Local Authority Designated Officer, or you can also contact our regulatory body, Ofsted.



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Managing the policy

What must I do as a manager if concerns are raised with me?

You must arrange to meet the person raising the concerns as quickly as possible to establish what the concern is and understand what has given rise to it.

You need to consider carefully where the meeting should take place and allow the person raising the concerns to be accompanied by an appropriate friend or colleague, if that is their wish.

You must make a note of your conversations with the person raising the concerns and agree the accuracy of that note with them.

You must be sensitive to the fact that the person concerned may feel uncomfortable about raising issues with you about a colleague or a manager.

You must consider and address the support needs of the person who is the subject of the concerns and of the person raising them.

If a person disclosing a concern wishes their identity to remain confidential, you ought to provide reassurance that their wish will as far as possible be respected. You should explain that you will not disclose their identity without their consent unless a Court Order or tribunal requires this. You should also explain that it may not always be possible to take all the necessary action if their identity is to remain confidential.

You must prioritise the process of dealing with the issue, remembering that, wherever possible, it should be addressed within 28 days of the matter being raised with you.

What do I do once I have established what the concerns are?

If the issue appears to be of a relatively minor and straightforward nature, you may decide to resolve it informally and directly with the individual who is the cause of the concerns.

If the issue appears to be complex or more serious, you must first consider whether any immediate action is necessary to protect the needs of the child or other service users. (This may include referring the matter to the police and /or initiating child protection procedures. If the concern relates to the welfare of a child and you do not feel able to respond, you should seek advice on how to proceed from the

You must then decide how the matter is to be investigated within the company (e.g. under the Disciplinary Procedure) and must arrange for that investigation to take place as quickly as possible.

You must inform the person raising the concerns of the action you have taken and of the outcome of any investigation.

What do I do if I have no line management responsibility for the individual who is the cause of the concerns?

You must refer the matter to an appropriate manager with responsibility for the individual who is the cause of the concerns. This will normally be a manager. However, in considering who to refer the matter to, you should take account of the level of seriousness of the concerns and of any reservations expressed by the person raising them about who they should be referred to. If you are left with any uncertainties, you should contact the Registered Manager



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or Responsible Individual of Fortitude.

Who notifies the person raising the concern of the outcome of any investigation if I refer the matter to the line manager of the individual who is the subject of the concerns?

You must decide who will do this in your discussions with the line manager of the person who is the cause of the concerns. If confidentiality is an issue, then it will be necessary for you to advise the person raising the concern of the outcome of the investigation. If not, it may be most appropriate for the manager initiating the investigation to do so.

Either way, the employee raising the concerns should be told before the investigation begins, if possible, who will notify him/her of its outcome.

What do I do if the employee reasonably believes that the appropriate action has not been taken?

He/She should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- a. The Care Quality Commission
- b. HM Revenue & Customs;
- c. The Financial Services Authority;
- d. The Office of Fair Trading;
- e. The Health and Safety Executive
- f. The Environment Agency;
- g. The Director of Public Prosecutions; and
- h. The Serious Fraud Office.
- i. Ofsted
- j. Local Authority LADO

Recording

A record of concerns raised under the Speak Out Policy (Whistleblowing), together with a record of the action taken in response will be retained on the personnel files of the complainant and the person complained about for as long as those files are retained. The record on the file of the person complained about will exclude the identity of the complainant in cases where anonymity has been maintained.

An annual report about the use of the Policy will be submitted to the Responsible Individual.

Confidentiality

The Speak Out Policy has been designed to ensure that employees and carers can feel confident that they can raise concerns about malpractice and that those concerns will be properly and effectively dealt with by the company.

It is preferable that a serious concern is raised responsibly, rather than not at all.