

The Tree of Life Centre (Formerly UCHM)

Counselling, College and Room Hire

Cedar Tree Counselling Service BACP Accredited Service, affiliated with ACC and works according to BACP Ethical Framework for Counselling Professions and ACC code of Ethics and Practice

Trinity Training College CPCAB Approved Centre delivering CPCAB Accredited and ACC recognised courses

The Elms Sports Hall and Room Hire



"The leaves of the tree are for the healing of the nations" Rev 22:2

Whistleblowing Policy

18 September 2023

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Principles

- The welfare and protection of clients is the paramount consideration of The Tree of Life Centre (formerly UCHM).
- Every employee and each client has an equal right to be free from abuse, fear, threat or discrimination.
- Each employee is responsible for their own behaviour and accountable for their actions
- Every employee (at whatever level) has a responsibility to monitor the conduct of their colleagues (at whatever level) and a right and a duty to report any concerns
- All concerns, complaints or allegations relating to staff conduct in relation to their colleagues or clients will be taken seriously and investigated thoroughly
- Employees who bring concerns about colleagues' conduct to light should be afforded the highest level of confidentiality possible and protected from any recriminations or reprisals

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Affiliated Counselling and Training Organisation (UK based)
Affiliate No: A00031



- When undertaking investigations into employee conduct it is necessary to balance the need to keep clients safe with the principles of natural justice in relation to the alleged perpetrator
- Employees under investigation over conduct issues have the right to receive appropriate support during the process.

Aims

- To safeguard and promote the welfare of clients using the services and to ensure they are protected from malpractice, negligence or unprofessional conduct
- To confirm that TLC complies with the BACP and ACC ethical guidelines and takes the issue of professional abuse seriously and is proactive in dealing with it
- To make explicit the framework within which concerns about employee conduct will be managed and progressed

Objectives

- To ensure that clients are treated with respect and in a way that promotes their safety and welfare
- To make explicit to employees their responsibility to bring to the attention of managers any concerns they have about the conduct of colleagues.
- To ensure that all concerns about employee conduct towards clients are appropriately addressed and resolved, balancing the rights of the clients to be protected within the BACP ethical framework in relation to employees.
- To protect employees from mischievous or malicious allegations of misconduct

Definition

Whistle blowing- *an action on the part of one employee who brings to the attention of a manager an act of commission or omission by another employee in relation to either his/her conduct towards clients and is in breach of the Code of Conduct*

- An act of commission - doing something that should not be done
- An act of omission - not doing something that should be done

Scope

This policy applies to all employees at all levels in all locations throughout the company. It is to be used alongside related policies on complaints, grievance and disciplinary matters.

Typically the following concerns will invoke the use of this policy:

- Sexual or physical abuse of clients by employees
- Dangerous practices or procedures which expose clients to the risk of serious harm
- Conduct which falls below accepted standards of practice which is harmful or disrespectful to clients
- Behaviour which is in breach of TLC Code of Conduct
- Unauthorised use of funds
- Harassment and bullying by staff towards clients, colleagues

N.B. This is not an exhaustive list

Presentation

Employees have both a right and a responsibility to address concerns about the behaviour of colleagues towards each other and towards clients. This responsibility is so important that a failure on the part of an employee to pass on concerns might lead to disciplinary action being taken against him/her.

Concerns about the conduct of an employee will arise at one of the following levels:

- (i) behaviour which is unacceptable but not necessarily harmful e.g. inappropriate self-disclosure, swearing within a client's hearing but not directed at him/her etc
- (ii) behaviour which is unprofessional and may be harmful e.g. the use of racist or homophobic/disablist language, inappropriate physical contact etc
- (iii) behaviour which is highly unprofessional and likely to cause (or to actually cause) significant harm e.g. striking a client, exposing them to danger, sexually inappropriate language or behaviour etc.

If concerns arise at level (i) employees should seek to address this through the use of feedback given directly to the individual involved and reported to the employee's supervisor in an informal manner. If the employee receives a negative response to the feedback or if there is a repetition of the questionable behaviour the matter is to be brought to the attention of a manager. This expectation applies to employees at all levels i.e. it is acceptable for a junior member of staff to provide feedback to a more senior member of staff in relation to their conduct. In any circumstances the employee raising the concern should keep a record of the concern itself and the outcome of the conversation with the colleague who caused the concern.

If concerns arise at levels (ii) or (iii) employees should bring this to the attention of their manager. If the concerns are about the manager the matter should be raised with his/her line manager, or a Trustee of TLC. As a last resort, if staff feel unable to address the matter internally, they must bring their concerns to the attention of the BACP/ACC.

All allegations or concerns about employees conduct raised through this policy will be taken seriously and investigated thoroughly.

Management

If concerns emerge at level (ii) or above, the information should be brought immediately to the attention of a senior manager who will decide whether further investigation is necessary and if so:

- who will conduct the investigation
- who will be interviewed
- timescales
- whether there is a need to suspend*

At an appropriate point in the investigation the person who is the subject of the allegation will be informed of its content and be given the opportunity to comment. He/she has a right to be supported throughout by a person of their choice.

If in the course of the investigation at this level it becomes clear (or there are concerns) that the matter should be dealt with at level (iii) the investigation will be suspended and referred back to the BACP/ACC.

If the concerns emerge at level (iii) they will immediately (same working day) be referred to the BACP who will liaise with the Local Safeguarding Board designated officer, (LADO) to progress the investigation under Local Safeguarding Board (LSB) procedures.

The Designated Safeguarding Officers are: Val Haigh and Delores Croasdell

*If an employee is suspended this is done without prejudice and as a precautionary measure. Employees will only be suspended when there is no alternative option and it is necessary to ensure the safety of others and the integrity of the investigation. The employee will be sent written notification of the suspension and informed of their main contact within TLC.

Timescales

Concerns raised at level (i) should be addressed as soon as is reasonably practicable i.e. the same or the next working day.

Concerns raised at level (ii) will be investigated within 5 working days and the person causing concern informed of the outcome.

Concerns raised at level (iii) will be managed through LSB procedures and the timescales appropriate to that process will apply.

Outcomes

At the conclusion of the investigation at level (ii) the Investigating Officer will provide a written report to the Senior Management team (unless the investigation relates to this person in which case the report will be provided to the person specified). If the allegation is not substantiated the individual concerned will be informed, and if suspended, reinstated.

If the allegation is substantiated, a senior manager will make a decision about whether to invoke the Disciplinary Procedures and take the necessary action.

Following an investigation at level (iii) there are four possible outcomes:

- allegation unsubstantiated
- action under Disciplinary Procedures
- a Child Protection Inquiry
- a police investigation

If it is decided to progress a child protection and/or police investigation, action under the Disciplinary Procedures will be deferred pending the outcome.

If at the conclusion of investigation at level (ii) and (iii) a decision is made to invoke disciplinary measures under no circumstances will the client who is the subject of the allegation be involved.

Recording

For concerns addressed at level (i) the employee who raises the concern should keep their own record of the concern itself, the date it arose, the date it was addressed with their colleagues and the response they received.

For concerns raised at level (ii) or (iii) these will be recorded by the person carrying out the process and immediately forwarded to the Designated Safeguarding Officer.

In the course of investigations of level (ii) the individual against whom the concern is raised will receive a copy of the concern in writing, information on how the concern is to be investigated and notification of the outcome.

For concerns raised at level (iii) the individual causing concern will be given information in line with LSB Procedures.

Safeguards

- Confidentiality – TLC will, as far as possible protect the identity of the individual raising concern if that is their wish. It has to be acknowledged however that in the course of the investigation the origin of the concern may become evident or the person raising the concern may be requested to provide a statement of evidence (particularly at level (iii)) to progress the investigation.
- Harassment/Victimisation – TLC acknowledges that it is often difficult to raise concerns about colleagues'/superior's conduct and that sometimes considerable moral courage is required. TLC regards such acts as positive contributions to the protection and welfare of clients and would wish to encourage employees to raise any concerns they may have.
- Under no circumstances will TLC tolerate the victimisation, harassment or ostracism of employees who raise concerns under this policy. If following an allegation there is any evidence of such behaviour, then action will be taken to protect the individual who raised the concern and address the conduct of those responsible through the disciplinary procedures.
- Malice and Mischief – TLC would wish to encourage employees to bring forward their concern in relation to their colleagues/other carers conduct but must beware of bogus allegations or those made to deliberately damage the reputation of others or of the company.
- If an employee raises a concern in good faith which is not subsequently upheld by the investigation then no action will be considered or taken against the person raising the concern. If, however, the investigation reveals evidence that the allegation was deliberately false, malicious or mischievous, this will be regarded as a serious act of misconduct and disciplinary action will be taken.

Cross Reference

<https://www.bacp.co.uk/about-us/protecting-the-public/professional-conduct/professional-conduct-procedure/disciplinary-hearings/>

<https://www.bacp.co.uk/events-and-resources/ethics-and-standards/ethical-framework-for-the-counselling-professions/>

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Document Revisions

Document Title			
Version	Description of Change	Date	Review Date
1.0	New Document	28/11/19	
1.1	Minor update to management of investigations	18/09/20	
1.2	Document reviewed	16/11/22	
1.3	Changes associated with the renaming of UCHM to The Tree of Life Centre	18/09/2023	Nov 2023