

Adoption West: Whistleblowing Policy

**Introduction**

Adoption West is committed to the highest possible standards of openness, integrity and accountability. We expect adopters and employees who work in the adoption service to tell us about any serious concerns they have about any aspect of the organisation’s work.

The purpose of this Policy and its accompanying Whistleblowing Procedure is to make it clear that staff and adopters can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage.

Adoption West encourages staff and adopters to raise serious concerns in the first instance within Adoption West, rather than overlooking a problem or ‘blowing the whistle’ outside, and not to leave any uneasiness until it is too late. We would prefer a matter is raised when it is still a concern rather than to wait for proof.

**Aims and scope of this policy**

This policy aims to:

* encourage staff/adopters to feel confident in raising serious concerns
* provide avenues for staff/adopters to raise those concerns
* ensure that anyone raising a concern will receive a response and know how to pursue their concern if not satisfied
* reassure staff/adopters that there will be protection from possible reprisals or victimisation if they have a reasonable belief that the concern raised is in good faith.

Usually allegations or complaints about the service will be raised appropriately under either the

* Safeguarding and Managing Allegations Policy, or
* The Complaints Policy

However, the Whistle Blowing policy is intended to cover circumstances where a concern may not be relevant to raise under either of these policies and/or it is believed, reasonably, that in raising a concern

* Staff/adopters will be treated detrimentally, or
* it is likely that evidence relating to the concern will be concealed or destroyed.

Staff and adopters will be protected in these circumstances as long as concerns are raised in good faith, that the member or staff or adopter believes that the information and any allegation is substantially true, the concern is not being raised for personal gain and it is reasonable to raise the concern in the circumstances.

This should give staff and adopters the confidence to fulfil their duty to children, even in the most difficult circumstances.

This whistleblowing policy also covers other matters that fall outside the scope of other procedures and concern malpractice and serious wrongdoing by Adoption West.

It includes concerns about:

* conduct which is an offence or a breach of the law
* harassment of others**\***
* sex, race or disability discrimination against others**\***
* miscarriages of justice
* health and safety risks to the public, as well as to other employees and colleagues
* the unauthorised use of public funds
* possible fraud and corruption
* breaches of the Council’s policies
* anything that makes you feel uncomfortable in terms of known standards, your experience or the standards to which you believe the Council subscribes
* unethical or improper conduct not included in this list
* concealing information about any of these matters.

\* Complaints relating to harassment, or discrimination, will be dealt with under the specific procedures relating to these matters.

The Policy applies to the provision of services and the conduct of employees, partners or others acting on behalf of Adoption West.

It is emphasised that this Policy is intended to assist adopters, staff and other people working within Adoption West who have discovered malpractice or serious wrongdoing or believe reasonably that they will be disadvantaged if they complain, provided that they make their disclosure in accordance with this Policy. It is not designed to question the financial or business decisions made by Adoption West or the Local Authorities within Adoption West or to re-consider any matters that have already been addressed under the complaint, or disciplinary procedures.

Anyone making disclosures outside the arrangements set out here will not be protected under this Policy.

**Adoption West’s Commitment**

Adoption West recognises that the decision to report a concern can be a difficult one to make. Anyone raising concerns based on a reasonable belief and in good faith, will be protected under this Policy. If a concern is not confirmed by any subsequent investigation, no action will be taken against those raising the concern. If, however, an allegation is made frivolously, maliciously or for personal gain, this may result in further action.

Adoption West will not tolerate any harassment or victimisation, including informal pressures, and will take action to protect anyone raising a concern in good faith, even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistle blower may result in disciplinary action against the person responsible for this behaviour, if they are an employee of Adoption West.

All concerns from service users will be treated in confidence.

Every effort will be made not to reveal the identity of the person making the disclosure, if they request this, but it may not be possible to sustain this if the investigation process reveals the source of the information and a statement is required as part of the evidence or the matter goes to court. If we are not able to resolve the concern without revealing the identity of the person raising the concern, this will be discussed with the individual.

This policy encourages anyone raising a concern to put their name to the allegation whenever possible. Concerns expressed anonymously are much less powerful, but may be considered by Adoption West taking into account:

* the seriousness of the issue raised
* the credibility of the concern, and
* the likelihood of confirming the allegation from attributable sources.

All concerns raised under this policy will be discussed with the Chair of the Adoption West Governance Board to decide on further action.

**How Adoption West will respond**

1. Whoever concerns are raised with under the whistleblowing policy (normally the Service Director) will appoint a person who is not associated with the matter to look into it. You will be told who this is. Confidentiality will be maintained.
2. This person will carry out initial enquiries in order to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle is the public interest. Concerns or allegations which fall within the scope of other procedures, for example, child protection, harassment or discrimination issues, will normally be referred for consideration under those procedures.
3. Following these initial enquiries, Adoption West will respond to the concerns depending upon the nature of the alleged wrongdoing. A concern may: -
   * be investigated internally by the Service Director, or through the disciplinary process, and/ or
   * be referred to the police,
   * an external auditor; or
   * another external enforcement agency, such as the Health and Safety Executive, or
   * form the subject of an independent inquiry, which could be conducted in some circumstances by one of the local authorities that commission Adoption West.
4. Some concerns may be resolved by action agreed with the person raising the concern, without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.
5. Within seven working days of a concern being raised, the person appointed to look into it will write to the person raising the concern to:

* acknowledge that the concern has been received;
* indicate how Adoption West propose to deal with the matter;
* give an estimate of how long it will take to provide a final response;
* advise whether any initial enquiries have been made;
* supply information on support mechanisms;
* explain any further investigations that will take place and if not, why not, and
* to agree how to proceed if the individual has chosen to remain anonymous.

1. Adoption West will do what it can to minimise any difficulties that anyone may experience as a result of raising a concern. For instance, if an individual is required to give evidence in criminal or disciplinary proceedings Adoption West will arrange for advice to be provided about the procedure.
2. If anyone thinks they have been harassed or disadvantaged at any stage of the process as a result of raising a concern in accordance with this procedure, they should immediately inform the person who is dealing with the concern.
3. Adoption West accept that anyone raising a concern needs to be assured that the matter has been properly addressed. If there is any delay in the investigation, they will be informed of this in writing. The person raising the concern will be informed of the outcome of any investigation and receive a copy of any final report, subject to any legal constraints and any duty of confidentiality.
4. If anyone makes an allegation in good faith, but the evidence produced during the investigation does not support it, no action will be taken against the person raising the concern.

**Taking a concern further**

1. This procedureis intended to give staff and adopters the confidence to raise concerns with Adoption West.
2. Adoption West hopes that any concerns raised will be resolved satisfactorily.If the person raising a concern is not satisfied with the outcome, and feels it is right to take the matter outside Adoption West, the following are some possible contact points, depending upon the nature of the concern:
   * Any members of the Adoption West Board of Governors
   * Senior Managers within any of the Local Authorities commissioning Adoption West
   * The Information Commissioner, for issues relating to records and access to information,
   * The Office for Standards in Education (OFSTED), for matters relating to Children’s Services,
   * The Health and Care Professions Council (HCPC), for matters relating to the conduct and registration of social workers,
   * The Health and Safety Executive, for actions that endanger health and safety.
3. If the person raising the concern believes that a crime has been committed, they may wish to contact the police.
4. If the matter is not taken outside Adoption West, care should be taken by the individuals involved **not to disclose confidential information**, and that the requirements of the Public Interest Disclosure Act 1998 are complied with, so that any individuals concerned do not lose the protection of the Actagainst any detriment*.*
5. Anyone raising a concern is strongly advised to seek some independent advice before raising the concern outside Adoption West.