

## Confidential Reporting (Whistleblowing) Procedure



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### 1. Introduction

Misconduct or bad practice within Children's Services is taken very seriously. The people who depend on our services are often the most vulnerable in the community and least able to speak up for themselves. It is therefore seen as essential that all staff feel able and are encouraged to report any incidence of bad practice they witness.

The aim of this procedure is to provide a systematic means by which staff who witness what they perceive to be bad practice can raise their concerns and which ensures that these concerns are brought to the attention of senior managers and that appropriate action is taken.

Children's Services has procedures for responding to complaints from service users and there are corporate procedures to respond to staff grievances and allegations of harassment. These offer the opportunity for both the public and staff to seek redress when they feel aggrieved about the way they have been treated or about the service they have received.

See **Representations and Complaints Procedure**.

A number of public enquiries have however highlighted the need for a separate formal procedure for staff to put their concerns about what they believe to be bad practice to senior management.

Such concerns may not fit comfortably into the other procedures but they nevertheless need a formal process to ensure issues raised are addressed and do not get 'lost'.

The Committee of Inquiry into the Selection, Development and Management of staff in Children's Homes (the Warner Report) stated that "Employers should accept that staff.....should be able to raise concerns outside their normal line management when they consider the line manager has been unresponsive or is the subject of concern; they should enable staff to make use of the complaints procedures established by legislation."

The following procedure therefore addresses this need for an independent and impartial process by which staff can report perceived bad practice and which will ensure such concerns are fully investigated and appropriate action taken.

This procedure reflects the principles of the Corporate Confidential Reporting (Whistleblowing) policy, its practical implementation being tailored to Children's Services needs. Rights within the Corporate policy such as, for example, the right to approach the Chief Executive direct as a last resort, remain in place.

## **2. Support for Staff - Key Principles**

All members of staff have a right and a duty to draw attention to what they consider to be misconduct or bad practice. Regulation 27 of the Children's Homes regulations 2001 requires Local Authority disciplinary procedures to state that failure to report abuse is a ground on which disciplinary proceedings may be instituted.

All managers have a duty to ensure that staff are encouraged and enabled to express their concerns and that these are dealt with thoroughly, fairly and promptly. Staff who express their concerns in good faith in accordance with this procedure will not be penalised or suffer adverse consequences for so doing. Nor will they be subject to pressure of any kind not to pursue their complaint. Any evidence that either of the above have taken place will be a potentially serious disciplinary matter.

Staff will be able to report concerns in confidence and their identity will not be revealed at the outset. However, it is possible that their identity may have to be revealed at some stage to enable their concerns to be fully investigated. If this seems likely then they will be informed in advance and consulted on what steps may need to be taken to ensure that the commitments above are carried out in practice. Where appropriate a move to an alternative workplace may be considered with the agreement of the whistleblower.

It is recognised that staff who are in the position of having to blow the whistle on misconduct or bad practice may feel very vulnerable and anxious about doing so. They may therefore wish to consider first talking the matter over with someone independent, possibly contacting the 'Listening Ear' scheme, discussing with their Trade Union representative or with a colleague. The Consumer Relations Officer will discuss with each individual the support they may feel they need.

Staff who raise concerns in good faith will not be penalised even if those concerns subsequently prove to be unsubstantiated. However allegations which are intentionally false or malicious, may result in disciplinary action.

### **3. Grounds for Action**

The purpose of this procedure is to provide a means by which a member of staff can confidentially raise concerns when they witnesses, or believe someone else has witnessed, misconduct or bad practice. The grounds for making such a claim could include:

- the care of clients being undertaken in such a way as to represent an infringement of their personal or human rights.
- action or inaction which puts or leaves a client at risk
- misappropriation or misuse of either clients' personal property or council property.
- evidence that there has been serious neglect of a duty of care to individual service user(s).
- any other concern that the 'whistleblower' perceives as detrimental to the client or the council.

### **4. Raising Concerns and Initial Investigation**

It is hoped that in most cases, concerns about misconduct or bad practice can be resolved by the individual taking the matter up with their line manager, without the need to raise the matter formally within the Whistleblowing procedure. However, where a member of staff believes there are grounds for concern as defined in Section 3 above and they do not feel able to discuss this with their line management, then they should contact the Consumer Relations Officer (CRO) to lodge their concern within the formal 'Whistleblowing' procedure.

The concern(s) may be made in writing, by telephone or through personal contact with the Consumer Relations Officer. Concerns will need to be recorded in writing prior to a formal investigation commencing. (The CRO will make the written record on behalf of the whistleblower where this is requested).

The Consumer Relations Officer, after consulting with other managers as necessary, will advise as to whether this is the correct procedure to use. If it is agreed as correct, then the Consumer

Relations Officer will formally and confidentially acknowledge that the concern is being dealt with under this procedure. If it is considered that another procedure should be instigated (such as child protection or adult protection) or initial consultations have resolved the matter or suggested a basic misunderstanding, then the employee concerned will be confidentially advised of the position and told of other avenues that may be open to them.

Before a full formal independent investigation is implemented, the Consumer Relations Officer may explore with the member of staff the possibility of the matter being raised with the appropriate operational manager. Where this is agreed, the concern will still be recorded and logged within the procedures and acknowledged to the member of staff as a concern raised within the 'Whistleblowing Procedures'

The operational manager responsible will investigate the issue and produce a report summarising the findings, conclusions and recommendations. A copy of this report will be provided to the appropriate member of the Senior Management Team and feedback will be given to the member of staff who raised the concern.

The Consumer Relations Officer will then check whether the member of staff is satisfied that the issue has been properly investigated and that appropriate action has been taken or proposed. If so, then the concern will be closed at this point. If not, then the member of staff has the right to ask for an independent investigation.

## **5. Independent Investigation**

Where it was decided from the outset or where the whistleblower is dissatisfied with the outcome of the initial investigation conducted by the operational manager then the Consumer Relations Officer will arrange for an independent investigation to be conducted and a report produced within 10 working days.

The purpose of this investigation will be to establish whether:

- there is a prima facie case to answer
- Children's Services should continue the formal enquiry into the concern
- this should be dealt with via child protection procedures, adult abuse procedures, disciplinary and/or Audit enquiry and/or there is a basis for referring the matter to the police

The report will recommend an appropriate course of action and the Consumer Relations Officer will discuss this with the relevant General Manager and then inform the member of staff in writing of the decision made.

## **6. Appeals**

If the member of staff raising the concern is unhappy with the outcome of the investigation or with the action proposed then they will have the right of appeal to a Review Panel.

A Review Panel will be convened within 28 days of the request being made and will follow the protocol outlined within the Children's Services formal complaints procedures. The Panel will consist of an independent chair, and two members of the Scrutiny Committee with responsibility for Children's Services functions.

The Review Panel's recommendations will be forwarded to Director for Children's Services who will respond in writing to the member of staff within 28 days.

## **7. Taking the Matter Further**

This policy is intended to provide a means by which staff can raise concerns **within** the Council. If however a member of staff is unhappy with the response within these procedures then they can of course take the matter outside the Council. The following are possible contact points:

- the District Auditor
- the Children's Services Inspectorate Lead Inspector
- the [Regulatory Authority](#) if appropriate
- trade unions
- local Citizens Advice Bureau
- professional bodies or regulatory organisations
- voluntary organisation
- the police

## **8. Monitoring**

The Consumer Relations Officer will produce a periodic report to the Executive Management Team, detailing all the concerns received within the Whistleblowing procedures and the progress made with each. Concerns will stay on this report until they have been concluded. Copies of this report will also be forwarded to the Chief Executive who has overall responsibility within the Corporate procedure for monitoring the operation of the Whistleblowing policy.

Any inquiry made within the Whistleblowing procedures where the concern is in the main part upheld will be reported to a meeting of the Scrutiny Committee with responsibility for Children's Services functions.