



North Lincolnshire Safeguarding Children Board Multi-Agency Whistleblowing Guidance document

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Statement

North Lincolnshire Safeguarding Children Board is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable employees (both paid and unpaid) and other members of the organisation to voice concerns in a responsible and effective manner. Where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal. There should be arrangements in place to enable this to be done independently of line management if necessary and in the public interest.

This guidance is intended to commit all relevant North Lincolnshire organisations to recognising the rights of employees to raise concerns and to assist individuals who believe they have discovered malpractice or impropriety. Its purpose is not to question financial or business decisions taken by any organisation or to supercede any policy that an organisation has in place but should operate alongside it. The guidance should also not be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

1. Scope of the guidance

This guidance is designed to enable employees (both paid and unpaid) of each organisation to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety.

Employees have an ethical and moral duty to report their concerns and employers have the same duty to support and protect their employees to enable them to do so.

This guidance is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures.

Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have personally been poorly treated. A whistleblower is usually not directly or personally affected by the concern and therefore rarely has a direct personal interest in the outcome of any investigation into their concerns.

This guidance is intended to cover major concerns that fall outside the scope of other procedures, these include things that may be:

- Unlawful
- Involve fraud or dishonesty
- Be contrary to Standing Orders (the constitution);
- Be contrary to service-specific policies and procedures;
- Be seen as improper conduct;
- Endanger the health and safety of employees or customers.

2. Guidance Aims

The aims of the guidance are:

- To encourage employees to report suspected fraud, misconduct or wrongdoing as soon as possible.
- Provide a safe and confidential way for all employees and anyone who is associated with the organisation to raise concerns and receive feedback.
- Provide employees with guidance on how to raise their concerns

It will result in:

- Employees and Board Members being aware of how to express concerns with regard to suspicion of improper practice;
- A recognition that systems are in place to prevent victimisation and/or intimidation of employees who raise concerns;
- An atmosphere that enables and encourages individuals to raise concerns;
- A clear and understandable process, allowing issues of concern to be taken further if they are not satisfied with the response and provide feedback at all stages regarding progress being made.

3. Principles of the Guidance

The protection are you entitled to when raising a complaint?

The LSCB recognises that the decision to report a concern can be difficult one to make. Because of this, the LSCB wants to be supportive and will not tolerate any harassment or victimisation. It will take appropriate action to protect you if you raise a genuine concern in good faith.

Whistleblowers will be protected from suffering detriment, bullying or harassment from another employee. The victimisation of a whistleblower will lead to disciplinary action. If you are victimised or dismissed in breach of the protections of the Public Interest Disclosure Act, you can bring a claim to an Employment Tribunal for compensation.

Any investigation into allegations of potential malpractice will not influence (or be influenced by) any employment procedures that may already be underway. It is not the LSCB's intention to hold in abeyance action taken under the disciplinary or other policies, pending the completion of investigations, unless the LSCB considers that the merits of a particular case warrant this.

Whistleblowers will also receive protection under employment legislation where the disclosure is in the public interest.

4. How to raise a safeguarding concern

You should raise any concerns firstly with your Line Manager if you are able to do so or your organisation's Senior Designated Officer for safeguarding children. Where you are not able to do this or where there is an allegation against a member of staff you should contact North Lincolnshire Council's Local Authority Designated Officer, LADO.

If you raise a concern with your line manager under this procedure you need to make sure that they know this.

The types of concerns you can raise are :

- Illegal activities
- Miscarriages of justice
- Risks to health and safety
- Damage to the environment
- Misuse of public funds
- Fraud and corruption
- Abuse of clients including concerns regarding an individual having behaved in a way that has harmed a child, or may have harmed a child, possibly committed a criminal offence against or related to a child; or behaved towards a child or children in a way that indicates s/he is unsuitable to work with children
- Other wrongdoing, (including attempts to cover up wrongdoing)

You could also raise a serious concern about service provision, the actions of officers, or the actions of others acting on behalf of the Council, which:

- Fall below the agencies/ professional standards of practice, including the Code of Conduct for Employees
- Are against the Agencies Standing Orders and policies
- Amount to improper conduct

You can raise your concern verbally, but ideally in writing. A written outline of your concerns helps to clarify key issues and reduce any misunderstanding. You should include the following information where possible:-

- The background and history of the concern (giving relevant names, dates etc, where possible).
- The reason why you are particularly concerned about the situation.
- The possible implications of your concerns.

The earlier your concern is expressed, the easier it is to investigate and take action.

However, issues can also be raised by contacting one of the following:

- ✓ Service Director
- ✓ Chief Executive
- ✓ Head of HR
- ✓ CQC
- ✓ Independent Chair of North Lincolnshire Safeguarding Children Board
- ✓ Police
- ✓ Ofsted

You may invite a trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

5. How the LSCB will respond to a complaint

The LSCB will respond to your concerns and all allegations will be investigated thoroughly. Where appropriate, the matters raised may:-

- Be investigated by management through Child Protection procedures or the Managing Allegations Against people who work with children or appropriate disciplinary procedures within the host agency.
- Be referred to the police.

Within 2 weeks of a concern being received, the person whom you have raised your concern with or the Investigation Officer will write to:-

- Acknowledge that the concern has been received ;
- Advise you if more information is required or arrange a confidential meeting;
- Indicate how they propose to deal with the matter;
- Give an estimate of how long it is anticipated it will take to provide a final response if this is possible to determine at the outset;
- Advise whether further investigations will take place and if not, why not.

In order to protect all individuals (including those accused of possible malpractice) , brief initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. However, if immediate or urgent action is required, this will be taken before any investigation is concluded. After initial enquiries or through a strategy meeting, it may be possible to resolve some or all of your concerns with an explanation and/or agreed course of action.

The amount of contact between the Investigation Officer and you will depend on the nature of the matters raised, and the clarity of the information provided. If necessary, the Investigation Officer will seek further information from you.

The LSCB will take reasonable steps to minimise any issues, which may result from your concern. If it is necessary to give evidence in criminal or disciplinary proceedings, the LSCB child protection officer will arrange for you to receive advice about the procedure.

The LSCB accepts that you need to be assured that the matter has been properly addressed. You will therefore be informed of the outcome of any investigations providing there are no legal, confidentiality or other concerns.

6. Confidentiality

It is recognised that the person raising the concern may wish to do so in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, that in some circumstances it may prove impossible to retain confidentiality.

7. Anonymous Allegations

This policy encourages you to put your name to an allegation whenever possible and the LSCB will do its best to protect you identity.

Concerns expressed anonymously are much less powerful and are often more difficult to investigate. However, these will be considered at the discretion of the LSCB. In exercising this direction the factors to be taken into account would include:

- The seriousness of the issues raised;

- The likelihood of being able to confirm the allegation from attributable sources.

8. Allegations with no foundation

If you make an allegation in good faith, reasonably believing it to be true and without any motive of personal gain but it is not confirmed by the investigation, no action will be taken against you.

If, however, you make an allegation which the LSCB considers not to be in line with the Public Interest Disclosure Act e.g. to be frivolous, malicious or for personal gain, disciplinary or legal action may be taken depending on the circumstances of the case.

9. Links to other Policies, Strategies and Procedures

This policy also links to:

- Professional Codes of Conduct;
- Dignity at Work Policy;
- Disciplinary Procedure;
- Equal Opportunities Policy;
- Fraud Response Plan;
- Fraud Risk Management Policy;
- Grievance Procedure;
- Probity Policy;
- Safeguarding Policy

10. Monitoring the policy

Members of staff who have any comments on the operation of this policy are encouraged to raise them with their Trades Union, their Senior Designated Officer or with their LSCB Board member.

11. Review

This policy will be reviewed every two years unless there are any significant changes in legislation and/or regulation.

Sample Safeguarding Interview Questions

Interview questions should relate to the needs of the organisation and aspects of the role description and person specification.

1. What has motivated you to work with children at this setting?
2. What do you see as the challenges of working with this group?
3. Do you have any interests out of work that enhance your experience with working with children?
4. What would you do if you saw 2 children fighting?
5. a) How would you reassure a child in distress?
b) What if the child didn't speak English or is unable to communicate verbally?
6. What action would you take if a child developed a crush on you?
7. How would you react to a child who made a sexual remark to you?
8. What would you do if a child hit you?
9. What would you do if you observed a colleague handling a child roughly?
10. What would you do if you overheard a colleague make a sexual remark to a child?
11. If you became aware that a colleague accessed child pornography on their computer at home, do you think we should be told?
12. What safeguards should be considered if you were working one to one with a child?
13. How would you deal with homophobic bullying?
14. Do children with SEN need extra protection?
15. What would you do if a child disclosed abuse to you?
16. What would you do if a child made an allegation about a colleague to you?
17. What types of touch would you consider to be appropriate physical contact?
18. How do you manage challenging behaviour?
19. Are there any circumstances when it would be OK to have contact with our children outside of work?