



North Yorkshire Safeguarding Children Partnership

Whistleblowing

Practice Guidance

North Yorkshire Safeguarding Children Partnership Whistleblowing Practice Guidance

Title	Whistleblowing Practice Guidance
Version	1.5
Date	11 November 2019
Edited	NYSCP Policy and Development Officer

Update and Approval Process			
Version	Group/Person	Date	Comments
0.1	NYSCB Business Unit Manager	08/07/2015	Approved
1.0	NYSCB Executive	20/07/2015	Baseline version amended to include additional regulators and minor clarification
1.3	NYSCB Executive	21/07/2015	Approved
1.3	NYSCB Board	21/09/2015	For information
1.4	NYSCB Policy and Development Officer	26/07/2018	Minor amendment to LADO information, updated Working Together reference and updated points of contacts in Section 15
1.5	NYSCP Business Unit	11/11/2019	Updated following NYSCP launch

Issue Date	11 November 2019
Review Date	11 November 2021
Reviewing Officer	Policy & Development Officer

Whistleblowing Practice Guidance

1. Introduction

1.1. Whistleblowing is the term used when **someone who works in or for an organisation** wishes to raise concerns about:

- Malpractice,
- Wrongdoing,
- Illegality or
- Risk in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety)

1.2. Whistleblowing may also include the cover up of any of the above concerns. Whistleblowing applies to raising a concern within the organisation as well as externally, such as to a regulator.

2. Legal Basis

2.1. The Public Interest Disclosure Act 1998, known as the Whistleblowing Act, is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation.

2.2. The Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past or something that you fear may happen in the future.

3. Information about how to Raise a Concern

3.1. All agencies should ensure that have in place their own internal whistleblowing policy accessible to all staff. This policy should provide guidance in relation to defining their organisational stance on whistleblowing and outline the procedures which staff and volunteers should follow.

4. Whistleblowing, Complaints and Grievances

4.1. Whistleblowing is very different from a complaint or a grievance. The term '**whistleblowing**' usually applies when a person is acting as a witness to

misconduct or malpractice that you have observed and which threatens other people.

- 4.2. A **grievance** is when an employee has a dispute about their own circumstances relating to their employment. Anyone who meets this criterion should follow their organisation's procedures in relation to grievances.
- 4.3. A **complaint** is where a person, or a person close to the complainant, has personally been poorly treated and are seeking redress or justice for themselves or that person. In these circumstances the person making the complaint should follow the relevant organisation's complaints procedures. If the complaint is in relation to the work of the North Yorkshire Safeguarding Children Partnership (NYSCP), then the NYSCP complaints procedure should be followed.

5. Duty to disclose concerns

- 5.1. Safeguarding is everyone's responsibility as identified in *Working together to Safeguard Children* (WTSC, 2018)¹. Every employee working with children has a duty and responsibility to disclose any concerns about the conduct of another professional.
- 5.2. It is important that this practice guidance should be followed in accordance with other North Yorkshire Safeguarding Children Partnership (NYSCP) policies and procedures. Professionals in all agencies have a responsibility to refer a child to Children's Social Care when it is believed or suspected that a child:
 - Has suffered significant harm and /or;
 - Is likely to suffer significant harm and/or;
 - Has developmental and welfare needs which are likely only to be met through provision of family support services (with agreement of the child's parent).

For further information on how to make a referral to Children's Social Care, please see the NYSCP website (www.safeguardingchildren.co.uk).

- 5.3. Whistleblowing is a protective disclosure and, if made in good faith, should not result in any form of detriment to the worker.
- 5.4. If a member of staff believes that what he/she is saying is true, they should have nothing to fear as he / she will be doing their duty to their employer and those for whom they are providing a service.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722307/Working_Together_to_Safeguard_Children_Statutory_framework.pdf

- 5.5. Bullying, harassment or victimisation (including informal pressures) by other members of staff towards someone who raises concerns should not be tolerated by agencies. Senior management in agencies should take appropriate action to protect their staff or volunteers who raise a concern in good faith. Such retaliation could include, but is not limited to:
- Frequent and undesirable changes in work assigned;
 - Unsubstantiated disciplinary action;
 - Unjust denial of promotion or transfer.
- 5.6. If the concerns relate to a person(s) in the same agency, that agency's reporting procedures should be followed.
- 5.7. If the concerns relate to a person/persons from another agency, the person raising the concerns should contact a senior manager within his/her own agency, and a decision be made as to how the concern will be addressed, and by whom. It is the responsibility of the senior manager within the agency of the person raising the concern to ensure that a response is received from the agency to which the concern relates.
- 5.8. The person raising the concern and his/her senior manager must maintain a written record of events which give rise to the concern and of subsequent actions and responses.

6. Confidentiality

- 6.1. All concerns should be treated in confidence and the identity of a member of staff or volunteer should not be revealed if they so wish. In some cases confidentiality may not be possible, for example when reporting abuse or a criminal offence, as action may need to be taken and the person reporting the concerns may be needed to provide evidence in disciplinary or criminal proceedings. Staff should be consulted if it does become necessary to reveal their identity.

7. Anonymous Allegations

- 7.1. Whenever possible, staff and volunteers should be prepared to put their name to an allegation. Concerns expressed anonymously are much harder to investigate, but should be considered by senior managers in the organisation. In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
 - The credibility of the concern; and
 - The likelihood of confirming the allegation from other sources.

8. Managers

- 8.1. Managers have a responsibility to ensure that concerns are taken seriously. Where appropriate they should investigate and make an objective assessment of the concern. They also have a responsibility to ensure that the action necessary to resolve a concern is taken.

9. How Agencies Should Respond

- 9.1. Agencies should respond to any concern raised. How they respond may vary, for example depending on whether they are a public or voluntary sector agency. Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process;
- Be investigated under another procedure, e.g. child / adult protection;
- Be reported to the organisation's Standards or Management Committee;
- Be referred to the Police;
- Be referred to an external auditor;
- Form the subject of an independent inquiry.

- 9.2. In accordance with WTSC, 2018 , a referral should be sent to the Local Authority Designated Officer (LADO) where an organisation has received an allegation that a volunteer or member of staff who works with children has:

- 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 they may pose a risk of harm to children

- 9.3. Any referral should be sent within one working day using the LADO Referral Form (see <https://www.safeguardingchildren.co.uk/professionals/forms-for-professionals/>), giving as much detail as possible. Completed LADO Referral Forms should be emailed using secure mail to safeguardingunit@northyorks.gov.uk. If an agency does not have secure email, the LADO should be contacted on 01609 532477 within office hours.

- 9.4. Where there is an immediate threat to a child or young person the Police should be contacted on 101 or the Emergency Duty Team (if outside office hours) on 01609 780780.

- 9.5. The person reporting the concern should receive, in writing:
- An acknowledgment that the concern has been received;
 - Indication how the matter will be dealt with

9.6. Where applicable:

- Information on staff support mechanisms;
- Contact details of the person dealing with your concern (in some organisations this will be a Whistleblowing Contact).

9.7. For more information regarding managing allegations against staff please see the “NYSCP Managing Allegations Against Those Who Work or Volunteer with Children Practice Guidance” available from:

<https://www.safeguardingchildren.co.uk/professionals/practice-guidance/>

10. Monitoring Concerns

10.1. Organisations should monitor concerns raised by whistleblowing, and take action accordingly. This includes reviewing these procedures.

11. Untrue Allegations

11.1. If a member of staff or volunteer makes an allegation in good faith, but the allegation is not confirmed by any subsequent investigation, no action should be taken against them. However, agencies may consider disciplinary action where it is believed that an employee has made an allegation frivolously, maliciously or for personal gain.

12. Support for Employees

12.1. Agencies should offer support, either in-house or external, to staff or volunteers who raise concerns.

13. Related Procedures

13.1. A number of organisational policies relate to whistleblowing. It is recommended that agencies have policies and procedures to address concerns relating to:

- Work related grievance;
- Bullying and harassment;
- Equal opportunities;
- Health and safety.

14. Internal Disclosures

14.1. Organisations should provide advice or information, either through their Human Recourses Department or on their organisation's intranet. Some organisations may choose to have contact persons that can be contacted about concerns.

15. External Contacts

15.1. The below table provides external contacts for those who would like to discuss their concerns with someone outside their agency and the matters they would be able to help with.

Agency	Contact Details
The Care Quality Commission <i>(Ensures hospitals, care homes, dental and general practices and other care services in England provide people with safe, effective and high-quality care)</i>	CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA Tel: (03000) 616161 Fax: (03000) 616171 Website: http://www.cqc.org.uk
Certification Officer <i>(fraud and other irregularities, relating to the financial affairs of trade unions and employers' associations)</i>	Email: info@certoffice.org Certification Officer Lower Ground Floor Fleetbank House 2-6 Salisbury Square London EC4Y 8JX
Charity Commission <i>(Administration of charities and of funds given or held for charitable purposes)</i>	Charity Commission for England and Wales PO Box 211 Bootle L20 7YX Telephone: 03000 66 9197 Website: www.gov.uk/government/organisations/charity-commission
Criminal Cases Review Commission <i>(Actual or potential miscarriages of justice)</i>	5 St Philip's Place Birmingham B3 2PW Telephone: 0121 233 1473 Fax: 0121 232 0899 For information: info@ccrc.x.gsi.gov.uk
The Environment Agency	National Customer Contact Centre PO Box 544

Agency	Contact Details
	<p>http://www.hpc-uk.org/</p> <p>Address: Health and Care Professions Council Park 184 Kennington Park House London Road, SE11 4BU</p>
<p>Healthwatch <i>(Have significant statutory powers to ensure the voice of the consumer is strengthened and heard by those who commission, deliver and regulate health and care services)</i></p>	<p>Healthwatch England National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA</p> <p>Tel: (03000) 68 3000</p> <p>Email: enquiries@healthwatch.co.uk</p> <p>Website: http://www.healthwatch.co.uk</p>
<p>The Information Commissioner <i>(Compliance with data protection legislation)</i></p>	<p>Website: https://ico.org.uk/</p> <p>Address: Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF</p> <p>Tel: 0303 123 1113</p>
<p>Inland Revenue <i>(Other tax issues, national insurance, SSP, SMP)</i></p>	<p>Tel: 0300 200 3300</p>
<p>Local Government and Social Care Ombudsman <i>(Council maladministration)</i></p>	<p>53-55 Butts Rd Coventry CV1 3BH</p> <p>Tel: 0300 061 0614</p> <p>If you have a complaint, please use the complaint form</p>
<p>Monitor <i>(Protect and promote the interests of patients)</i></p>	<p>Monitor Wellington House 133-155 Waterloo Road London</p>

Agency	Contact Details
	<p>SE1 8UG</p> <p>Tel: (0203) 747 0000 Email: enquiries@monitor.gov.uk</p>
<p>Nursing Council <i>(Regulator for nursing and midwifery)</i></p>	<p>Midwifery Council Nursing and Midwifery Council 23 Portland Place London W1B 1PZ</p> <p>General enquiries: 020 7637 7181 Registration enquiries: (0207) 333 9333</p> <p>Website: http://www.nmc.org.uk/ Email: complaints@nmc-uk.org</p>
<p>OFSTED</p>	<p>Tel: 0300 123 1231</p> <p>Website: https://www.gov.uk/government/organisations/ofsted</p> <p>Email: enquiries@ofsted.gov.uk</p> <p>Address: Ofsted Piccadilly Store Manchester M1 2WD Gate Street</p>
<p>Public Sector Audit Appointments <i>(responsible for appointing auditors to local government, police and local NHS bodies, for setting audit fees and for making arrangements for the certification of housing benefit subsidy claims)</i></p>	<p>You can also write to: PSAA Limited 18 Smith Square London SW1P 3HZ</p> <p>Email: generalenquiries@psaa.co.uk Tel: (0207) 072 7445 Website: http://www.psaa.co.uk</p>
<p>NHS Trust Development Authority <i>(Provides support, oversight and governance for all NHS Trusts)</i></p>	<p>The NHS Trust Development Centre Wellington House 133-155 Waterloo Road 105 Victoria Street London Greater London SE1 8UG</p>

Agency	Contact Details
	Tel: 0300 123 2257 Website: http://www.ntda.nhs.uk