

Review schedule	Every 3 years
Last review	26 <sup>th</sup> March 2024
Next review due	March 2027
Ratified by Trustees	19 <sup>th</sup> April 2024
Owner	Karen Martin

## Introduction

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)

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.

## Legal basis

Whistleblowing law is located in the Employment Rights Act (as amended by the Public Interest Disclosure Act 1998), and is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation.

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.

## SELFA's responsibilities in regards to whistleblowing

As an employer of both contracted and sessional staff, it is good practice to create an open, transparent and safe working environment where workers feel able to speak up. By having clear policies and procedures for dealing with whistleblowing, our organisation demonstrates that it welcomes information being brought to the attention of management (Karen Martin, Service Manager). This is also demonstrated by:

- Recognising workers are valuable ears and eyes
- Getting the right culture
- Training and support
- Being able to respond
- Better control
- Resolving the wrongdoing quickly

## Information about how to raise a concern

At SELFA, we ensure that we have our own internal whistleblowing policy accessible to all staff to provide guidance in relation to defining their organisational stance on whistleblowing and outline the procedures which staff and volunteers should follow.

The Service Manager will be the first point of contact in the vast majority of cases. It will be their responsibility to initially investigate all matters reported to them promptly in accordance with the procedure notes issued – see Complaints Policy.

It is, however, appreciated that there may be times when an employee may feel unable to use the above procedure, for example when the whistleblower feels that the manager may be involved in the malpractice or unwilling to investigate. In these circumstances the alternative contacts may be used – see Complaints Policy.

In support of that arrangement, SELFA has appointed Karen Martin, Service Manager, to act as its Whistleblowing Officer, with the following instructions to:

- receive and record any complaints under this policy;
- ensure that confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence;
- investigate promptly any whistleblowing complaint and to respond directly to the complainant, with a right of access to employees of SELFA and to all documents and records as required;
- report to or consult with outside agencies/the Trustees where necessary;
- recommend appropriate action to resolve a complaint or recompense a complainant;
- report annually to the Trustees Committee on the conduct of this Whistleblowing Policy, including any resources required to satisfactorily carry out his/her duties as Whistleblowing Officer.

## Outcome

Within 10 working days of a concern being received, the Charity will write to the whistleblower acknowledging that the concern has been received. They will:

- Indicate how it proposes to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- State whether any initial enquiries have been made;
- State whether further investigations will take place, and if not, why not.

When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a professional association representative or a friend who is not involved in the area of work to which the concern relates.

SELFA will take steps to minimize any difficulties which the whistleblower may experience as a result of raising a concern. For instance, should they be required to give evidence in criminal or disciplinary proceedings, SELFA will obtain advice about the procedure and provide any necessary support.

SELFA accepts that the whistleblower needs to be assured that the matter has been properly addressed. Subject to legal constraints, information about the outcomes of any investigations will be given.

## Duty to disclose concerns

Safeguarding is everyone's responsibility as identified in Working together to Safeguard Children (WTSC, 2018). Every employee/volunteer working with children and young people at SELFA has a duty and responsibility to disclose any concerns about the conduct of another professional.

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](http://www.safeguardingchildren.co.uk)).

Whistleblowing is a protective disclosure and, if made in good faith, should not result in any form of detriment to the worker.

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.

Bullying, harassment or victimisation (including informal pressures) by other members of staff towards someone who raises concerns should not be tolerated by management. Our organisation will take appropriate action to protect 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.

If the concerns relate to a person(s) internally at SELFA, then the above reporting procedure should be followed.

If the concerns relate to a person/persons from another agency, the person raising the concerns should contact the Service Manager, Karen Martin, and a decision be made as to how the concern will be addressed, and by whom. It is the responsibility of the manager within SELFA to ensure that a response is received from the agency to which the concern relates.

The person raising the concern and his/her senior manager (Karen Martin) must maintain a written record of events which give rise to the concern and of subsequent actions and responses.

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;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

- behaved or may have behaved in a way that indicates they may not be suitable to work with children

Any referral should be sent within one working day giving as much detail as possible using the LADO Referral Form.

## Forms and tools

Completed LADO Referral Forms should be emailed using secure mail to [lado@northyorks.gov.uk](mailto:lado@northyorks.gov.uk). If an agency does not have secure email, the LADO should be contacted on 01609 533080 within office hours.

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 0300 131 2 131.

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

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).

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 [www.safeguardingchildren.co.uk](http://www.safeguardingchildren.co.uk).

## Confidentiality

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.

## Anonymous allegations

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.

## Managers

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.

## Monitoring Concerns

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

## False allegations

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.

## Support for employees

Staff and volunteers who raise concerns can speak to the Service Manager about accessing in-house or external support.

## External contacts

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
<b>The Care Quality Commission</b> <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: <a href="http://www.cqc.org.uk">http://www.cqc.org.uk</a>
<b>Certification Officer</b> <i>(fraud and other irregularities, relating to the financial affairs of trade unions and employers' associations)</i>	Email: <a href="mailto:info@certoffice.org">info@certoffice.org</a> Certification Officer Lower Ground Floor Fleetbank House 2-6 Salisbury Square London EC4Y 8JX
<b>Charity Commission</b> <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: <a href="http://www.gov.uk/government/organisations/charity-commission">www.gov.uk/government/organisations/charity-commission</a>

Agency	Contact Details
<p><b>Criminal Cases Review Commission</b>  <i>(Actual or potential miscarriages of justice)</i></p>	<p>5 St Philip's Place            Birmingham            B3 2PW            Telephone 0121 233 1473            Fax: 0121 232 0899            For information: info@ccrc.x.gsi.gov.uk</p>
<p><b>The Environment Agency</b>  <i>(Acts or omissions which have an actual or potential effect on the environment)</i></p>	<p>National Customer Contact Centre            PO Box 544            Rotherham            S60 1BY            Telephone: 03708 506 506 Minicom service, for the hard of hearing: 03702 422 549 National Customer Contact Centre.            Email address: enquiries@environment-agency.gov.uk</p>
<p><b>General Medical Council</b>  <i>(Regulator for setting standards for doctors and managing the UK medical register)</i></p>	<p>General Medical Council            3 Hardman Street            Manchester            M3 3AW            Tel: (0161) 923 6602            email: gmc@gmc-uk.org</p>
<p><b>HM Customs and Excise</b>  <i>(VAT, insurance premium tax, excise duties, landfill tax, import and export of prohibited or restricted goods)</i></p>	<p>HMRC Fraud Hotline            Cardiff            CF14 5ZN            Tel: 0800 788 887</p>
<p><b>HM Inspectorate of Constabulary Fire and Rescue Services (HMICFRS)</b>  <i>(independently assesses police forces and policing across activity from neighbourhood teams)</i></p>	<p>Her Majesty's Inspectorate of Constabulary and Fire &amp; Rescue Services            6th Floor Globe House            89 Ecclestone Square            London            SW1V 1PN            Email: contact@hmic.gsi.gov.uk            Telephone on 020 3513 0500; or Fax on 020 3513 0650</p>
<p><b>Health and Safety Executive</b>  <i>(Health and safety at work)</i></p>	<p>The Lateral            8 City Walk            Leeds            LS11 9AT            To contact a named individual in HSE you can call our Advisory team on 0300 003 1747 during office hours – 8.30am to 5.00pm, Monday to Friday, Wednesday 10.00am to 5.00pm.            Website: <a href="http://www.hse.gov.uk/">http://www.hse.gov.uk/</a></p>

Agency	Contact Details
<b>Health and Care Professions Council</b>	Tel: 0300 500 6184 Website: <a href="http://www.hpc-uk.org/">http://www.hpc-uk.org/</a> Health and Care Professions Council Park House 184 Kennington Park Road, London SE11 4BU
<b>Healthwatch</b> <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>	Healthwatch England National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA Tel: (03000) 68 3000 Email: <a href="mailto:enquiries@healthwatch.co.uk">enquiries@healthwatch.co.uk</a> Website: <a href="http://www.healthwatch.co.uk">http://www.healthwatch.co.uk</a>
<b>The Information Commissioner</b> <i>(Compliance with data protection legislation)</i>	Health and Care Professions Council Park House 184 Kennington Park Road, London SE11 4BU Tel: 0300 500 6184 Website: <a href="http://www.hpc-uk.org/">http://www.hpc-uk.org/</a>
<b>Inland Revenue</b> <i>(Other tax issues, national insurance, SSP, SMP)</i>	Tel: 0300 200 3300
<b>Monitor</b> <i>(Protect and promote the interests of patients)</i>	Monitor Wellington House 133-155 Waterloo Road London SE1 8UG Tel: (0203) 747 0000 Email: <a href="mailto:enquiries@monitor.gov.uk">enquiries@monitor.gov.uk</a>
<b>NSPCC</b>	The NSPCC's What you can do to report abuse dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>
<b>Nursing Midwifery Council</b> <i>(Regulator for nursing and midwifery)</i>	Nursing and Midwifery Council 23 Portland Place London W1B 1PZ General enquiries: 020 7637 7181 Registration enquiries: (0207) 333 9333 Website: <a href="http://www.nmc.org.uk/">http://www.nmc.org.uk/</a> Email: <a href="mailto:complaints@nmc-uk.org">complaints@nmc-uk.org</a>

Agency	Contact Details
<b>OFSTED</b>	Tel: 0300 123 1231 Website: <a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a> Email: <a href="mailto:enquiries@ofsted.gov.uk">enquiries@ofsted.gov.uk</a> Address: Ofsted Piccadilly Gate Store Street Manchester M1 2WD
<b>Public Sector Audit Appointments</b> <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>	You can also write to: PSAA Limited 18 Smith Square London SW1P 3HZ Email: <a href="mailto:generalenquiries@psaa.co.uk">generalenquiries@psaa.co.uk</a> Tel: (0207) 072 7445 Website: <a href="http://www.psaa.co.uk">http://www.psaa.co.uk</a>
<b>NHS Trust Development Authority</b> <i>(Provides support, oversight and governance for all NHS Trusts)</i>	The Contact Centre NHS Trust Development Authority Wellington House 133-155 Waterloo Road 105 Victoria Street London Greater London SE1 8UG Tel: 0300 123 2257 Website: <a href="http://www.ntda.nhs.uk">http://www.ntda.nhs.uk</a>