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| **Whistleblowing Policy for foster carers** |
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**SCOPE OF THIS CHAPTER**

[This part needs to detail the scope of the chapter, and this needs to include any legislation that is relevant to the procedure]

**AMENDMENT**

[If this is an amendment, this needs to detail the date the amendments were made and a high-level of what the amendments were.]

 **Contents**

1. Introduction
2. Aims and scope of the policy
3. Application of the policy
4. The Council’s promise to you
5. Responsibility for the policy
6. How to raise a concern
7. How Children’s Services will respond
8. How your concerns can be taken further
9. Whistleblowing form

 **1.** **Introduction**

As a person working with Norfolk County Council employees you may become aware that there could be something seriously wrong with their behaviour, attitudes or practice. You may feel that you should not say anything about it out of loyalty or fear of being disadvantaged, harassed or victimised and prefer to leave it, rather than report your concern.

The Council is committed to the highest possible standards of openness, integrity and accountability. Rather than ignore it, we expect foster carers and others who work in the fostering service to tell us about any serious concerns they have about any aspect of the Council’s work.

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

The Council encourages you to raise serious concerns in the first instance within the Council rather than overlooking a problem or ‘blowing the whistle’ outside and not to leave it until it is too late. We would prefer you to raise the matter when it is still a concern rather than wait for proof.

This policy does not imply employment status to foster carers.

**2.** **Aims and scope of the policy**

This policy aims to:

* encourage you to feel confident in raising serious concerns
* provide avenues for you to raise those concerns
* ensure that you receive a response to your concerns and know how to pursue them if you are not satisfied
* reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised the concern in good faith.

The National Minimum Standards for Fostering Services say that foster carers, volunteers who work for the fostering services and members of the Foster Panel all have a clear duty to report any circumstances within the fostering service which they consider likely to harm significantly the safety, rights or welfare of any child placed by the fostering service. This is not a matter of choice; you are obliged to report your concerns.

Usually you would do this by using the safeguarding procedures for reporting abuse of a child, as explained in your Foster Carers Handbook, or the Norfolk County Council complaints procedure and you should continue to do this. However, this policy is intended to cover circumstances where you believe reasonably that in raising your concern

* you will be treated detrimentally, or
* it is likely that evidence relating to your concern will be concealed or destroyed.

You will be protected in these circumstances as long as you are raising the concern in good faith, that you believe that the information and any allegation is substantially true, you are not raising the concern for personal gain and it is reasonable to raise the concern in the circumstances.

This should give you the confidence to fulfil your duty to children, even in the most difficult circumstances.

However, this whistleblowing policy also covers other matters that fall outside the scope of other procedures and concern malpractice and serious wrongdoing by the Council.

It includes your 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 of, or discrimination against, you 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, Councillors or others acting on behalf of the Council.

It is emphasised that this Policy is intended to assist foster carers and other people working with the fostering service 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 the fostering service or the Children's Services or to re-consider any matters that have already been addressed under the complaint, harassment or disciplinary procedures.

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

**3.** **Application of the policy**

This policy is written specifically for foster carers, members of the Fostering Panel and volunteers working for the fostering service who wish to give information or make a complaint about the actions of Norfolk County Council staff who are either employed in the Children’s Services or are otherwise recruited to work with children or other foster carers registered with the Council or County Councillors who may become involved with matters concerning Children’s Services.

**4.** **The Council’s promise to you**

The Council is committed to good practice and high standards and wants to be supportive of those who work with the Council.

The Council recognises that the decision to report a concern can be a difficult one to make. If you raise your concern based on a reasonable belief and in good faith, you have nothing to fear because you will be doing your duty to children and the wider public and you will be protected under this Policy. If your concern is not confirmed by any subsequent investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, this may be considered at your foster carers review.

The Council will not tolerate any harassment or victimisation, including informal pressures, and will take action to protect you when you raise a concern in good faith, even if you are genuinely mistaken in your concerns. Any harassment or victimisation of a whistleblower may result in disciplinary action against the person responsible for this behaviour, if they are an employee of the Council.

All concerns from foster carers and volunteers 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 foster carer or volunteer, this will be discussed with them.

Any investigation into a foster carer’s or volunteer’s allegations will not be used to influence or prejudice any other process involving the foster carer or volunteer that may take place, such as applications to foster or reviews of their fostering career progression.

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful, but may be considered by the Council taking into account:

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

The Corporate Parenting, Operational Delivery Manager, will decide in each case whether a complaint made anonymously should be investigated.

The Children’s Services recognise that a foster carer or volunteer may wish to take advice and receive independent support when making their disclosure and endorses the use of this.

**5.** **Responsibility for the policy**

The Head of Democratic Services and the Head of Law, who is the Monitoring Officer for the policy, have overall responsibility for the whistleblowing policy in the Council. Their role is to ensure that any disclosures and allegations are investigated properly. They also maintain a record of concerns that preserves confidentiality and report to the Council or the Standards Committee of the Council.

As this policy, which covers foster carers and volunteers in the fostering service only, is not covered by these arrangements, the responsibility for implementing it rests with the Corporate Parenting, Operational Delivery Manager.

**6. How to raise a concern**

1. In the first place it is hoped that you will be able to raise any concern with your family placement worker or their manager or with the child’s social worker or their manager and use the usual complaints procedure. However, this will depend upon the seriousness and sensitivity of the issues and who it is that is suspected of the malpractice.
2. If you decide you are unable to approach any of these people because your concern may relate to them, you should contact the Operational Manager for Fostering.
3. If however, your concern
	* comes within any of the categories described in the whistleblowing policy above or
	* you believe reasonably that the response may be detrimental to you or
	* you believe reasonably that records may be concealed or destroyed or
	* you believe that senior management may be involved in the malpractice

then you should contact the Director of Children’s Services in the first place to raise your concern (in accordance with Norfolk County Council’s whistleblowing policy).

1. If you are not happy with the Director of Children’s Services response to your concerns, you should approach the Chief Executive or the Head of Democratic Services for Norfolk County Council.
2. If you are not sure which is the best route to take, you can discuss this with someone independent, such as the Fostering Network’s Advice and Mediation Worker, or call their advice line on 020 7620 2100.
3. You are not prevented by this procedure from contacting outside agencies about your complaint, if this is relevant, such as the Information Commissioner, the Local Government Ombudsman or the General Social Care Council.
4. You can raise your concern either orally on the telephone or in writing. You can put your concerns in a letter or use the attached whistleblowing form. If you choose to telephone first, it is good practice to follow this up by putting your concerns in writing to avoid any confusion about what you are saying.
5. The Council would prefer you to identify yourself when you are raising your concern, but you may remain anonymous, if you wish. All concerns and allegations will be investigated. However, it may not be possible to keep your identity hidden throughout the whole of the process, depending upon what happens and who needs to see the information (see the section about safeguards for foster carers in the policy above).
6. Although you are not expected to provide proof of your concern, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
7. The Head of Democratic Services, as the person responsible for the Council’s whistleblowing policy, will be informed of all concerns raised under this policy.

**7. How Children’s Services will respond**

1. Whoever you raise your concerns with under the whistleblowing policy (normally the Director of Children’s Services) 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, the Children’s Services will respond to your concerns depending upon the nature of the alleged wrongdoing. Your concern may:-
	* be investigated internally by departmental management or a senior manager from another Department, internal audit, 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 another local authority.
4. Some concerns may be resolved by action agreed with you 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 you to:
* acknowledge that the concern has been received;
* indicate how we propose to deal with the matter;
* give an estimate of how long it will take to provide a final response;
* tell you whether any initial enquiries have been made;
* supply you with information on support mechanisms;
* tell you whether further investigations will take place and if not, why not, and
* to agree with you how to proceed if you have chosen to remain anonymous.
1. The Children’s Services will do what it can to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Children’s Services will arrange for you to receive advice about the procedure.
2. If you think you have been harassed or disadvantaged at any stage of the process as a result of raising your concern in accordance with this procedure, you should immediately let the person who is dealing with your concern know.
3. The Children’s Services accept that you need to be assured that the matter has been properly addressed. If there is any delay in the investigation, we will let you know of this in writing. We will inform you of the outcome of any investigation and let you have a copy of any final report, subject to any legal constraints and any duty of confidentiality.
4. If you make an allegation in good faith, but the evidence produced during the investigation does not support it, no action will be taken against you.

**8. How your concerns can be taken further**

1. This procedureis intended to give you the confidence to raise concerns with the Children’s Services.
2. The Council hopes you will be satisfied with any action taken as a result ofraising a concern*.* If you are not, and if you feel it is right to take the matter outside the Council, the following are some possible contact points, depending upon the nature of your concern:
	* 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 General Social Care Council, for matters relating to the conduct and registration of social workers,
	* The Standards Board for England, for concerns relating to County Councillors,
	* The Health and Safety Executive, for actions that endanger health and safety.
3. If you believe that a crime has been committed, you may wish to contact the police.
4. If you do take the matter outside the Council, you should be careful not to disclose confidential information, and ensure that you comply with the requirements of the Public Interest Disclosure Act 1998, so that you do not lose the protection of the Actagainst any detriment*.*
5. You are strongly advised to seek some independent advice before you raise your concern outside the Council. It is suggested that you use the Fostering Network’s Advice and Mediation Worker or their advice line on 020 7620 2100.

**9. Whistleblowing form**

**Please complete this form and send it to:**

Director of Children’s Services

Norfolk County Council,

County Hall,

Martineau Lane,

Norwich

NR1 2DH

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| --- |
| Name: |
| Address or Contact Details: |
| Best Time to Contact You: |

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| --- |
| Person Assisting You (e.g. relative, friend) |
| Address:Post Code: |
| Telephone: |

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| --- |
| Details of your concern (please continue on a separate sheet if necessary) |

Signature: Date:

**End**