

LEEDS CITY COUNCIL - CHILDRENS SOCIAL WORK SERVICE

FOSTERING AND ADOPTION WHISTLEBLOWING POLICY

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1. Introduction

As a foster carer or adopter, you may often be the first to realise that there is something wrong within the Fostering and Adoption Service of the Council. However, you may have reservations about expressing your concerns because you feel that speaking up would be disloyal to other foster carers, prospective or approved adopters or your social worker. You may also fear harassment or victimisation. In these circumstances, it may seem easier to ignore any concerns rather than report what may be just a suspicion of malpractice.

The Fostering and Adoption Service is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage foster carers or adoptive parents who have serious concerns about any aspect of the Service's work, to come forward and voice those concerns; this policy document makes it clear that foster carers and adopters can do so without fear of reprisals. It is recognised that certain cases will have to proceed on a confidential basis. This Whistleblowing Policy is intended to encourage and enable foster carers and (prospective) adoptive parents to raise serious concerns within the Service rather than overlooking a problem or blowing the whistle outside. In addition, the policy provides a means of raising a concern in line with the national minimum standards.

It is not intended that this policy should be an alternative to the Customer Complaints Procedure if anyone is dissatisfied about the standard of service, actions, or lack of action by the Children's Social Work Service.

If you need further information on how to make a complaint, please contact the Complaints Officer on 0113 378 4530.

2. Aims and Scope of the Policy

This policy aims to:

- Provide avenues for you to raise concerns and receive feedback on any action taken;
- Explain how you can take the matter further if you are dissatisfied with the Service's response; and
- Reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures (although the Service reserves the right to determine which procedure is appropriate).

Concerns covered by the Whistleblowing Policy include concerns relating to:

- Abuse of children;
- Unlawful activity;
- Actions which are contrary to the Council's Standing Orders with respect to Contracts, Financial Regulations or other policies;
- Other Improper conduct; and
- Practice which falls below established standards.

3. Safeguards

○ Harassment or Victimisation

The Service recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Service will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

This does not mean that if you are already the subject of procedures such as a child protection investigation, assessment to become a foster carer or adoptive parent or review of registration, that those procedures will be halted as a result of your whistleblowing

Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing.

If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact the Chief Officer, Children's Social Work Service.

The Chief Officer will arrange for any necessary remedial action to be taken.

- **Confidentiality**

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

- **Anonymous Allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Service.

In exercising the 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 attributable sources.

- **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, further action may be taken.

4. How to Raise a Concern

As a first step, you should normally raise concerns with your social worker or their team manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should contact the Chief Officer- Children's Social Work Service on 0113 378 3621.

Concerns are best raised in writing. The information required is the background and history, names, dates, places and, where possible, the reason why you are particularly concerned. If you do not feel able to put your concerns in writing, you can telephone the Chief Officer- Children's Social Work Service. The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of

particular importance in regard to any possible child protection enquiry or any enquiries where some form of surveillance needs to be considered and appropriately authorised.

5. How the Service will Respond

The action taken by the Service will depend on the nature of the concern. The matters raised may:

- Be investigated internally (this is the most likely option);
- Be referred to the Police;
- Form the subject of an independent inquiry; or
- Any combination of the above

In order to protect individuals and the Service, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, where appropriate, the Council will write to you:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matter;
- Telling you whether any initial enquiries have been made; and
- Telling you whether further investigations will take place and, if not, why not.

The amount of contact between the employees considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged foster carers have the right, if they wish, to be accompanied by another foster carer or a representative of Leeds Foster Care Association or another support person who is not involved with the Service. Prospective or approved adopters have the right, if they wish, to be accompanied by a support person not involved with the service.

The Service will take steps to minimise any difficulties that 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 Service will advise you about the procedure.

The Service accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

6. How the Matter can be taken Further

This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following are possible contact points:

- Your local Council Member (if you live in the area of the Council);
- Relevant professional bodies or regulatory organisations;
- The Council Internal Audit Division, in matters of alleged fraud or corruption;
- Your solicitor;
- The Police; or
- Your M.P. or the local Ombudsman.

If you do take the matter outside the Council, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. It is important that you check with Leeds Foster Care Association or the Council Internal Audit Division about this.

7. The Responsible Person

The Chief Officer Children's Social Work Service has overall responsibility for the maintenance and operation of this policy. The Chief Officer maintains a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to the Council.