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5.3. Human Resources Policies and Procedures

NB:

- **Extract Cover Sheet Must Remain with Extract**
- **Extracts are Uncontrolled Documents and are only Valid at Point of Submission**
- **Where Possible an Extract should be Read in Conjunction with the Parent Document**

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20 Whistle-blowing

Kibble is committed to achieving high standards of integrity and accountability.

This policy provides a framework for employees to raise concerns which they believe are in the public interest and may relate to illegal, improper or unethical conduct.

This policy should be used where there are concerns about the consequences for other employees or the public, and does not apply to matters relating exclusively to your employment.

The Centre is committed to achieving high standards of integrity and accountability and expects the same commitment from employees and those working for Kibble.

Kibble aims to provide an open environment so that employees and those working for the Centre can raise issues they believe to be in the public interest, with the confidence that they will be acted upon appropriately.

Employees will be protected from detrimental treatment, i.e. victimisation or dismissal, if they raise concerns.

This procedure complies with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.

20.1 Children's Rights

Staff bear a personal responsibility for protecting and promoting children's rights and welfare. Accordingly, there are certain circumstances where a personal responsibility to act exists and must be exercised.

Where a member of staff suspects a colleague, manager or member of the public of abusing a child or young person in the establishment, there is no professional, or indeed ethical alternative but to report it immediately. This is the personal responsibility of each member of staff.

All staff, including domestic staff and volunteers, should know what action to take if they observe or have reported to them possible evidence of abuse. It is their duty to communicate any such concerns. This should be to the unit manager or to a senior manager.

Where a member of staff believes a colleague is either evidently or possibly professionally negligent, again there is a duty to act. Where such concerns exist there is no justifiable alternative but to report the matter.

20.2 Public Interest (Disclosure) Act 1998 and the Enterprise and Regulatory Reform Act 2013

Kibble supports the ethos contained within The Public Interest Disclosure Act 1998. It espouses the view expressed in the British Association of Social Worker's Guidance on Whistleblowing that;

"Individual members of staff have a moral obligation, a right and a duty to raise with their employer:

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Any instance of malpractice, negligence, or unprofessional behaviour. That is: any situation where the service user is being abused or their rights and dignity are being, or have been, disregarded or over-ruled or where decisions are taken which are clearly not in their interests and put them at risk of abuse, exploitation or oppression.

Any matters of concern they may have about social care, healthcare or education policy and practice issues concerns with the delivery of care to service users or carers in their authority, Trust, agency or unit which are detrimental to service users' and carers' interests.

Any circumstances arising to do with the employment environment, employment conditions or employers' practices that could place colleagues at risk."

The Act encourages all employees to raise genuine concerns in the confidence that it will be investigated properly. By encouraging employees to raise concerns internally rather than externally, it gives the Centre the opportunity to correct problems at an early stage, helps to avoid damage to the Centre's reputation and deters malpractice throughout the organisation. Kibble pledges to protect good faith whistleblowers from any direct or indirect victimisation as a result of their communications. This of course extends to our primary task: issues of child protection.

Revelations of abhorrent abuse perpetrated against children by a minority of unscrupulous care workers continue to cause concern and raise questions about the safeguards that exist in childcare services. Of more concern is that inquiries continue to report that staff had seen the dangers at the time, but had either been too scared to sound the alarm, or had raised the matter with the wrong person in the wrong way. Genuine concerns about the safety of children or issues about serious malpractice must be reported. Using the following guidelines, we would hope to foster a culture of openness and probity in our organisation, promoting confidence that such matters will be addressed in a responsible and professional manner.

Should you have concern about the activities of an individual in the organisation or an individual directly related with the business of the organisation, you should report these concerns to your immediate line manager.

Public interest disclosures are defined as:

- criminal offences
- failure to comply with legal obligations
- actions which endanger the health or safety of any individual
- actions which cause damage to the environment
- actions which are intended to conceal
- any of the above

Should the person about whom you have concerns be your immediate line manager, then you should report these concerns to someone in the next tier of management. If the concerns are with someone in this tier of management then it should be the next tier and so on.

In the first instance we would encourage people to raise concerns internally rather than externally. This gives the Centre the opportunity to correct problems at an early stage, helps to avoid damage to the Centre's reputation and deters malpractice throughout the organisation.

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However, if an employee feels that the problem is beyond addressing at operational management level you should approach Mr James D. Cochrane c/o Milne Craig. Mr Cochrane is Chairman of the Board of Trustees and independent of operational management activities.

We respect that employees may have legitimate concerns about their own safety or career when raising concerns about another. We will support concerned employees, protect them from reprisals and do everything we can to respect their confidentiality.

All employees are covered by the above named Acts. This legislation has been described as the most far-reaching whistle-blower protection law in the world. The Acts protects whistle-blowers from dismissal and victimisation guaranteeing full compensation with the promise of penalty awards if the whistle-blower is sacked.

Victimising employees or deterring them from raising a concern about malpractice is a disciplinary offence.

Abusing this policy or process by raising unfounded allegations maliciously is a disciplinary offence.

If you feel uneasy or want confidential advice or reassurance before raising a concern, we would advise that you contact Public Concern at Work confidential helpline on 020 7404 6609. Public Concern at Work is an independent watchdog whose objectives are to promote good compliance with the law in public, private and voluntary sectors. They provide a confidential helpline staffed by qualified lawyers providing advice free of charge to employees who are unsure whether or how to raise matters of serious public concern within their organisations or who have been victimised for raising such matters. The helpline is staffed from 9.00 a.m. to 6.00 p.m., Monday to Friday. There is a 24-hour answering service in operation and they can also be contacted via email at helpline@pcaw.co.uk