



## **Whistleblowing Policy**

*This policy explains the processes to be followed for raising a concern believed to be in the public interest. The policy explains what types of concern are treated as whistleblowing, how such concerns will be handled and what an individual should do in the event that they receive such a concern from another colleague.*

### **What is this Policy for?**

This policy explains how the organisation will handle and respond to a concern that is raised which meets the definition of a public interest disclosure. The policy explains the types of concerns considered as whistleblowing, distinguishing them from other employment related issues such as grievances and disclosure processes.

Cafcass will not accept or allow any form of harassment or victimisation of a whistleblower. If a colleague believes they have been subjected to such treatment, they should inform their line manager or an alternative senior manager as soon as reasonably practicable, in order that appropriate steps may be taken.

### **To whom does the Policy apply?**

This policy applies to all members of the Cafcass workforce including employees, bank workers, agency workers, Cafcass associates, students, trainees and Board Members.

What makes whistleblowing different from other types of complaint is that the person raising the concern is not normally directly affected by it and it should not be used where other more appropriate procedures are in place. This includes but is not limited to:

- Concerns related to an individual's own employment should be raised under the relevant employment procedure or Employee Relations Policy.
- Health and Safety incidents, near misses or risks should be notified under Health and Safety policies and procedures.
- Any concerns originating from children and families are not within the scope of this policy and should be referred to our Complaints and Correspondence Team via [customerfeedback@cafcass.gov.uk](mailto:customerfeedback@cafcass.gov.uk).

### **Why is this important for children and families?**

Cafcass is committed to achieving and maintaining the highest possible standards with regard to behaviour at work and services to the public. Employees are expected to conduct themselves with integrity, impartiality and honesty.

Effective whistleblowing as a key component in challenging inappropriate or unlawful behaviour for the whole organisation.

Cafcass is committed to treat all disclosures fairly and consistently.

The aims of this policy are to:

- encourage employees and Board Members to be confident to come forward and raise a concern about any aspect of Cafcass work at an early stage;
- provide appropriate avenues for those raising a concern and receive feedback on any action taken;
- ensure that those raising a concern receive a response and are aware of what to do in order to escalate this, both within and outside of Cafcass should they not be satisfied with the response;
- reassure those who raise a concern in the public interest that they will be protected from possible reprisals or victimisation regardless of whether the concern is subsequently proven.

## 1. What is Whistleblowing?

- 1.1 Whistleblowing occurs when an individual raises a concern about a wrongdoing, malpractice or illegality that affects others, for example children and families, other employees or members of the public.
- 1.2 The Public Interest Disclosure Act 1998 (PIDA 1998) defines what is commonly known as 'blowing the whistle'. In simple terms it covers a concern which is in the public interest and is in the reasonable belief of the individual. PIDA 1998 protects employees from any detriment from Cafcass as an organisation or colleagues that may arise out of making a qualifying disclosure. This includes harassment, victimisation or dismissal by the organisation.
- 1.3 A qualifying disclosure means any disclosure which in the reasonable belief of an individual involves issues such as, but not limited to:
  - A criminal offence
  - A breach of legislation or failure to comply with a legal obligation
  - A miscarriage of justice
  - Endangering an individual's health and safety
  - Damage or risk to the environment
  - Bribery, fraud or similar
  - Negligence
  - Unauthorised disclosure or misuse of confidential information
  - Deliberate concealment of information relating to any of the above

## 2. Protections for Whistleblowers

- 2.1 Whistleblowers have statutory protection from victimisation or dismissal when they reasonably report a concern. Under PIDA 1998, individuals are protected when they make a qualifying disclosure. This applies where:
  - they make the disclosure in good faith;
  - they reasonably believe that the disclosure they are making is in the public interest; and
  - they reasonably believe that the information detailed and any allegation in it is substantially true.

- 2.2 This policy encourages colleagues to raise a concern without fear that they will be victimised or subjected to disciplinary action, discrimination or other form of unfair disadvantage. For those individuals in scope of this policy, who believe they have been mistreated as a result of raising a concern under this policy, they should report this to a relevant manager. Any such allegations will be investigated accordingly.
- 2.3 It is important to understand that this policy does not provide a general protection to whistleblowers, it only provides the protection above in relation to the making of the disclosure. Colleagues raising a concern under this policy should at all times conduct themselves in accordance with other organisational policies and the terms and conditions of their employment. For example, employees should ensure that in making a disclosure they do not breach their responsibilities in relation to data protection or handling of confidential data or do not engage in other behaviours which might be considered as misconduct.

### 3. Who should concerns be raised with?

3.1 For employees at Cafcass, concerns should be shared with:

- a) their line manager at an early stage in order that there can be a prompt response;
- b) Where a) is inappropriate (i.e. because it is believed the line manager is involved) their Assistant Director, Head of Practice / Profession or an appropriate senior manager;
- c) Where a) and b) are inappropriate (i.e. because it is believed senior managers are involved), the Chief People Officer, Chief Executive or designated Board Member linked to the policy Catherine Doran, using the dedicated email [whistleblowing@cafcass.gov.uk](mailto:whistleblowing@cafcass.gov.uk).
- d) If your concern is about the Chief Executive, the concern should be raised with the Chair of the Board. If your concern is about the Chair of the Board then your concern should be raised with the Chief Executive.
- e) Board Members should raise their concern either with the Chair or with the Board as a whole, or alternatively with the Cafcass sponsor at the Ministry of Justice.

### 4. How to raise a concern

- 4.1 All concerns are best raised in writing setting out the background, and history of the concern, giving names, dates, and places where possible, and the reasons why the concern has arisen and how the concern meets the definition of whistleblowing (as distinct from a grievance for example).
- 4.2 If you are unsure about the precise nature of your concern or whether it would be considered as a protected disclosure and would prefer to talk this through with someone internally before raising as concern then you may contact Human Resources to seek further advice and guidance, or if you are a member of a trade union then you may wish to discuss with a trade union representative.

## 5. Confidentiality

- 5.1 All concerns will be treated in confidence. Cafcass will do its best to protect your identity when you raise a concern and will not disclose your identity without your consent. 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, particularly if the police, courts or external auditors become involved. In order to take effective action, Cafcass will need proper evidence, which may be required to stand up to examination in courts or tribunals, but we will always discuss this with you first and provide support to you through the process.

## 6. Anonymous Concerns

- 6.1 Cafcass recognises that there may be circumstances where individuals are worried about being identified when they report concerns. Cafcass strongly encourages whistleblowers to identify themselves when raising a concern, to provide any information openly and to rely on the protections set out in this policy.
- 6.2 Anonymous concerns are harder to be investigated or substantiated and could lead to matters not being fully investigated or at all. It will also be more difficult for an individual to qualify under PIDA 1998, because there would be no documentary evidence linking them to the disclosure for an Employment Tribunal to consider as an example.
- 6.3 Anonymous concerns will be considered at the discretion of the Chief People Officer. It will be necessary in such circumstances to consider the seriousness of the issue raised, the credibility of the concern and the likelihood of being able to obtain or rely on other credible sources of information to corroborate or confirm the details of the concern.

## 7. Untrue Allegations

- 7.1 It is not the responsibility of the whistleblower to prove that their concern is true, and if a concern is raised which is reasonably or genuinely believed to be true then the protection set out in this policy still applies even if the concern subsequently proves to be inaccurate or unfounded.
- 7.2 However, if a concern is raised which cannot be deemed to be an objectively reasonable belief or is found to be either frivolous, malicious, vexatious or for personal gain, then an investigation will take place to determine whether disciplinary or other appropriate action should be taken.

## 8. How Cafcass will Respond

- 8.1 Cafcass will endeavour to respond as quickly as possible.
- 8.2 On receipt or notification of a whistleblowing concern, it must be forwarded to the Chief People Officer who is the organisation's nominated Whistleblowing Officer so that an initial assessment of how the matter should be handled can be undertaken independently from any other Cafcass colleagues who may be involved in the concern being raised. The Chief People Officer will also consult with the designated Board member and be responsible for notifying the Chief Executive and Chair of the Board in all cases and within one working day unless the concern relates to either one of the Chief Executive or Chair of the Board. If

that is the case the Chief People Officer and responsible board member will decide on the appropriate means of engagement with the Chief Executive or Chair of the Board in the event that either should need to be contacted as a witness or respondent to the concern.

- 8.3 In order to be fair to all involved, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The response will be dependent on the specific nature and details of the concern being raised, so this policy is not intended to be prescriptive about the subsequent procedure to be followed. The overriding principle for Cafcass will be the public interest.
- 8.4 It may be possible that some concerns can be resolved informally with the agreement of the whistleblower, for example where an issue is simple, clearly evidenced and there is an obvious remedy or informal corrective action required. Under those circumstances the matter may be delegated back to the original recipient of the concern or to another relevant manager to implement the necessary steps to resolve the issue.
- 8.5 However, for concerns of a more serious or complex nature then the required response may include:
- An investigation by a senior manager, internal audit or under a relevant Cafcass procedure.
  - Consideration under Cafcass Child Safeguarding Policies where the matter falls within these.
  - A referral to a relevant external body such as Government Internal Audit, Ministry of Justice or Social Work England;
  - A referral to the Police where a criminal offence is believed to have been committed;
  - The commissioning of an external independent investigation/inquiry; or
  - The concerns may be deemed to be insufficient to warrant an investigation.
- 8.6 In some circumstances it may be necessary that some form of immediate action is required to prevent or avert any risk of further or repeated wrongdoing. In these instances, Cafcass reserves the right to take appropriate action or early intervention either prior to or in conjunction with the range of procedures set out above. This would be without prejudice to the eventual outcome the subsequent whistleblowing procedure.
- 8.7 Within ten working days from receipt of a whistleblowing concern, the Chief People Officer or other delegated appropriate manager will respond in writing to explain how the matter is being handled and what initial enquiries have been undertaken. This correspondence will outline how the matter is proposed to be dealt with. Where relevant, this will include the likely timescale for conclusion and whether the whistleblower is required to provide further information or to assist in any further investigation. Where no further action is proposed, this correspondence will also outline why no further action is to be taken.

- 8.8 In circumstances where the Chief People Officer believes that it would be beneficial to meet with the whistleblower to gather further information or clarify any issues before deciding on the appropriate course of action, then the whistleblower will be entitled to be accompanied at a meeting by either a trade union representative or a work colleague who is not involved in the concern being raised. The time required to schedule and conduct this initial meeting will not count as part of the ten days referred at 8.6. The whistleblower may decline to attend such a meeting and where that is the case then the Chief People Officer will decide on next steps based on the information available.
- 8.9 In circumstances where a matter is referred to an external agency then Cafcass will co-operate fully with any subsequent investigations or other procedures.
- 8.10 Wherever possible Cafcass will aim to conclude a whistleblowing concern within 28 days from receipt, however this timeframe may be extended dependent upon the nature of any required investigation, including where this involves other agencies or organisations.

## 9. Communicating Outcomes

- 9.1 Cafcass recognises that the individual who raised the concern will need to be assured that the matter has been properly addressed. Therefore, subject to legal and data protection constraints (for example, where a more detailed disclosure would breach the personal data of another person), the individual will be informed of the outcome of the concern they have raised and the steps that have been taken to address the matter.
- 9.2 The Chief People Officer will also ensure that the Chief Executive and Chair of the Board are notified of outcomes. Dependent upon the nature of the concern it may also be necessary to notify the Ministry of Justice or other relevant agencies/bodies.

## 10. How the matter can be taken further

- 10.1 Whilst this policy aims to provide reassurance about raising concerns internally, Cafcass recognises that there may be circumstances where an individual remains unsatisfied. The protection afforded by the legislation and under this policy can cover public interest disclosures through the following routes:
- Internal disclosures made within Cafcass
  - Disclosures to prescribed persons or regulatory bodies
  - Wider disclosures e.g. to the police, the media or Members of Parliament
- 10.2 The circumstances in which it will be reasonable to raise a concern with an external person or body will normally be in circumstances where one or more of the following conditions are met:
- a) There is a genuine and reasonable belief that victimisation will occur if raised internally
  - b) There is a genuine and reasonable belief that some form of cover-up will be likely to take place

- c) The matter has already been raised internally and has not been appropriately addressed under this policy

10.3 An individual has the right to raise their concerns outside of Cafcass, should there be no higher level of management to escalate concerns to or a) and/or b) above applies. In such circumstances, the concern can be raised with the prescribed contact which is relevant to the nature or specific circumstances of the concern. Examples include:

- The Health and Safety Executive (HSE),
- Her Majesty's Revenue and Customs (HMRC)
- The Office of the Children's Commissioner
- The Chief Inspector, Ofsted
- The Ministry of Justice (MoJ) as the sponsor department for Cafcass.

10.4 A full list of prescribed persons including contact details is available here:

[Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

10.5 If concerns are raised outside of Cafcass, it should be to one of these prescribed contacts. A public disclosure to anyone else could take an individual outside of the protection of PIDA 1998.

10.6 Information that is confidential to Cafcass or to anyone else, such as a contractor of Cafcass, should only be shared with those included in the list of prescribed contacts.

10.7 This policy does not prevent an individual from taking their own independent legal advice.

## 11. Support for employees

11.1 If you are unsure about whether to raise a concern under this policy or the relevant protections that apply, or if at any stage you wish to seek independent advice then you may choose to contact the independent charity Protect (formerly Public Concern at Work) who can be contacted online at [www.protect-advice.org.uk](http://www.protect-advice.org.uk). In addition, the Advisory, Conciliation and Arbitration Service (ACAS) can be contacted.

11.2 Individuals may also wish to access the free and confidential information, support and counselling helpline on 0800 019 8988, through Cafcass' employee assistance programme.

## 12. Recording and Monitoring

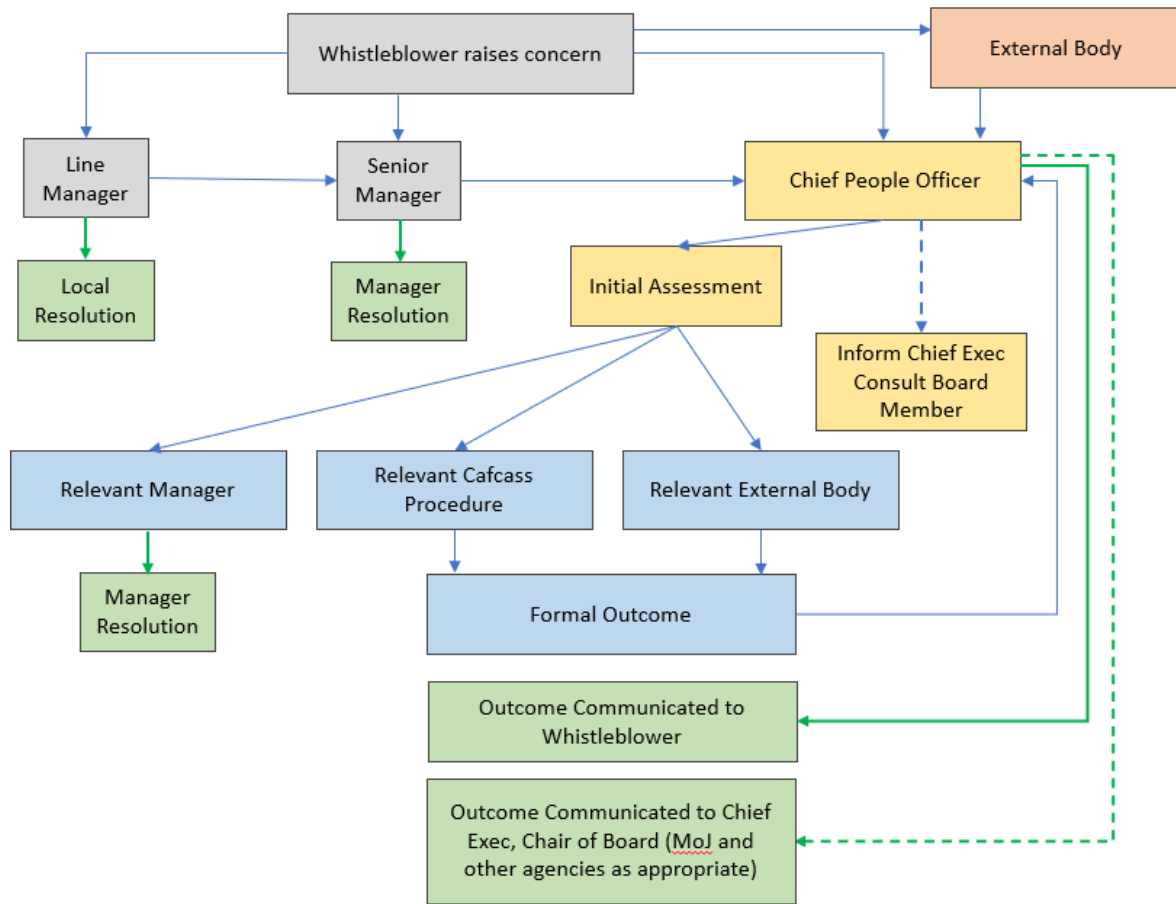
12.1 The Chief People Officer will maintain a Register of all concerns brought to his/her attention under the Whistleblowing Policy and monitor progress and outcomes. This register will form part of the periodic reports made to the Audit and Risk Assurance Committee (ARAC) regarding the use, operation and effectiveness of the policy as appropriate. All information contained within the report will be in strictest confidence, and the name of the complainant or location will not be disclosed.

<b>Policy owner</b>	Chief People Officer and Nominated Board Member
---------------------	---

<b>Approved by</b>	CMT
<b>Approved on</b>	26 February 2025
<b>Implemented</b>	March 2025
<b>Version</b>	2.1
<b>Amended</b>	N/A
<b>Next review</b>	March 2028



## Appendix 1 – Whistleblowing Procedure Summary



### Key

- Response procedure
- Decision/Outcome
- - - Information/Consultation