



Review of the BBC Whistleblowing and Child Protection Policies and Processes

Review by the GoodCorporation

July 2015

BBC Executive response to the GoodCorporation's *Review of the BBC Whistleblowing and Child Protection Policies and Processes*

Today we are publishing the conclusions of the GoodCorporation's review of the BBC's child protection and whistleblowing policies.

When the scale of the allegations against Jimmy Savile became clear the BBC was determined that a thorough review should take place. As we have said from the outset, we are horrified that anything of the kind could have happened and that the BBC will not shy away from confronting the events of its past.

We therefore immediately reviewed and enhanced our policies, and commissioned Dame Janet Smith to conduct a full review, including considering whether the BBC's current child protection and whistleblowing policies are fit for purpose.

The intention was that Dame Janet's work on the BBC's child protection and whistleblowing processes would begin once her main report had been delivered. However, in light of changes in the Review's timetable and delays to the report's publication at the request of the Police, the BBC decided in March 2014 to undertake an independent assessment, rather than waiting for the publication of the Dame Janet Smith report.

This independent review was specifically set up so we could respond to any gaps it identified, rather than having to wait for the Dame Janet Smith report. We are collectively determined to run an organisation where this kind of deception and deceit can never ever happen again.

The GoodCorporation conclude that the BBC has strong child protection policies in place and that considerable effort has been made to improve them. Their report states that "there is a clear commitment and recognition of the importance of child protection and safeguarding in the BBC".

The BBC was open with the GoodCorporation so it could properly conduct its work and they were able to speak to senior BBC managers with responsibility for child protection and whistleblowing, along with a significant number of other interested parties. Interviewees included witnesses from the Dame Janet Smith review who had raised issues relating to the specific areas under review.

We thank the GoodCorporation for their extremely thorough work.

The review was designed to produce detailed and actionable recommendations for the BBC. It looked at a comprehensive list of criteria, including third party codes of practice. Our child protection policies were tested and examined against a total of 49 criteria, while our whistleblowing policies against another 25. The BBC's whistleblowing policy was also benchmarked and found to rank at number 12 in a list of 40 organisations.

We are pleased to find our whistleblowing policies rank well against other organisations. But we are not complacent and we continue to strive to ensure that employees and stakeholders feel secure that concerns are appropriately handled.

The overall conclusions of the GoodCorporation's review are positive and no serious weaknesses are raised in the report. The GoodCorporation outlines additional steps for the BBC to take in order to reinforce our current good practice in three key areas:

- reinforcement of existing policies and essential processes through enhanced communication and tighter documentation;
- enhancements to the consistency of application of existing policies and processes; and
- some changes to formal reporting lines and to external reporting.

We have been active on these recommendations and their implementation has already been internally audited and rated positively. We intend to use future Annual Report and Accounts to ensure appropriate reporting of whistleblowing statistics¹.

The review recommended that the person in charge of child protection should report in to a production making division, such as Television. We believe child protection is an issue that affects all of our output divisions and so we believe it is more appropriate for the Head of Child Protection to continue to report into our HR team.

We fully understand that the public's trust in the public services we deliver is vital. We welcome these findings. We have strengthened our processes as a result and the vast majority of recommendations have been completed. Child protection and safeguarding will always be a priority for the BBC and we will never be complacent.

BBC Executive, July 2015

¹ Dame Fiona Reynolds has agreed to be the Non-Executive Director contact for the reporting of matters that may involve a member of the BBC Executive Board or Executive Team. During the 2014/15 financial year there were 20 whistleblowing cases reported to the Director of Risk and Assurance.



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June 2015

The measure of a good company

Executive Summary

In order to evaluate and update its Child Protection Policy and Whistleblowing Policy the BBC asked GoodCorporation to undertake an independent review of these policies and processes. This report sets out the key findings of this review.

Overall there is a clear commitment and recognition of the importance of child protection and safeguarding in the BBC. There is also a good awareness of the processes needed to keep children safe and considerable effort has been made to update policies and procedures. The review team found that concerns are generally being raised and managed correctly and structures are in place to ensure that child protection and safeguarding remains a focus for the BBC.

Further work should now be taken to ensure that a uniform and consistent approach is taken. In particular, the BBC should reinforce the governance of child protection and safeguarding, update the Child Protection Policy itself and ensure more consistent communication, training, guidance and application of policies. These measures would help to reinforce a strong culture and awareness of child protection and safeguarding.

Chaperoning is the key child protection and safeguarding control and is working well. Screening is also an important child protection measure. In the most important area of risk, where employees' roles required enhanced screening, all individuals questioned by the review team had been correctly screened. However screening is complex and needs to be considered further. The BBC could also do more to ensure that strong child protection and safeguarding controls, including screening, are in place in relevant independent production companies and suppliers.

A number of recommendations, grouped into six areas, have been made to help the BBC strengthen its child protection and safeguarding policies and systems and these are summarised in Appendix 2 of this report.

In terms of whistleblowing, there is a clear tone and message from the senior management of the BBC encouraging employees to raise concerns openly. The very large majority of those interviewed by the review team said that they would be confident to raise a concern with a line manager or with someone else in a position of responsibility. However, awareness of the Whistleblowing Policy was extremely low outside the senior management team in the BBC. This reflects the fact that the policy has not been promoted in recent years in favour of other related policies, such as the Child Protection Policy and the 'respect at work' campaign against bullying and harassment. The BBC should make a strong effort to communicate the Whistleblowing Policy and to remind employees of the role of whistleblowing in comparison to 'respect at work' and child protection and safeguarding. The Whistleblowing Policy would also benefit from some wording and process changes, in particular making the process open to outside stakeholders to raise concerns, if needed.

As awareness of the whistleblowing system is low, some issues that would ordinarily be raised through that channel are inevitably being raised directly to line managers. It would therefore be helpful to increase line managers' awareness of how to manage whistleblowing concerns.

A number of recommendations have also been made to help the BBC strengthen its whistleblowing policies and systems and these are grouped into four areas and summarised in Appendix 2 of this report.

The BBC's Whistleblowing Policy was benchmarked against a range of other bodies and found to rank 12th out of the 40 organisations that were compared. No benchmarking was undertaken for child protection because of the lack of publicly available, comparable policies.

Introduction

In October 2012 the BBC Trust asked the BBC to satisfy itself and give assurance that the Child Protection Policy (CPP) together with the supporting processes, guidance and training were providing effective protection to children and minors. Similarly the Trust also asked the BBC to satisfy itself and give assurance that the Whistleblowing Policy (WBP) was up-to-date and complied with best practice. An independent review, the Dame Janet Smith Review (DJSR), was established by the BBC in October 2012 to conduct an impartial, thorough and independent review of the culture and practices during the years that Jimmy Savile worked there. Subsequently the Review was also asked to conduct an investigation into the conduct of Stuart Hall.

The Review was also asked to look at whether the BBC's CPP and WBP were fit for purpose, which they planned to address after publication of the main report. However, for various reasons, the anticipated completion date of the DJSR's main report was delayed. In order to help the BBC to evaluate and update its CPP and WBP as quickly as possible, rather than wait for the completion of DJSR, the BBC therefore asked GoodCorporation to undertake an independent review of these policies and processes to allow the BBC to respond to any gaps identified. This report sets out the key findings of this review.

GoodCorporation would like to thank all of the interviewees for their help and cooperation in conducting this review, in particular those witnesses who came forward to the Dame Janet Smith Review and shared their experiences. In a very short space of time many people were involved and were generous with their time and support.

Scope of the Review

To undertake this review, GoodCorporation worked with child protection expert Moira Murray over the course of March, April and May 2014. Interviews with a number of witnesses who had originally submitted evidence to the DJSR with respect to the BBC's CPP and WBP were then undertaken in September and October 2014. The review was based on the following activities:

- The development of a WB and CP policy review framework (which is included in Appendix 1 of this report) – this sets out elements of good practice for whistleblowing, child protection and safeguarding and has provided the structure for this review
- Interviews with the key managers in the BBC responsible for elements of whistleblowing, child protection and safeguarding
- A review of the BBC's internal evaluations of its own CPP and WBPs
- A review of supporting policies, procedures and records in each of the key areas of whistleblowing, child protection and safeguarding
- A review of the BBC WBP against the recommended good practice in the proposed Code of Practice from Public Concern at Work's Whistleblowing Commission Report (November 2013)
- A review of child protection and safeguarding areas of Gateway, the BBC intranet site
- A series of 29 interviews with BBC managers selected by GoodCorporation, all of whom had some element of responsibility for whistleblowing or child protection and safeguarding

- A series of 14 interviews with child protection ‘nominated managers’ who are given responsibility for being the key point of contact and expertise for child protection and safeguarding in a particular division of the BBC, with a further 6 interviewed as part of a focus group
- A total of 27 other employee and freelancer interviews from a group selected by GoodCorporation – based on a mix of those with regular contact with children and those with occasional contact with children
- A further 11 interviews with a mix of independent production companies (‘indies’), suppliers, chaperones, Non-Executive Directors of the BBC, members of the Dame Janet Smith Review (DJSR) team and Pact, one of the key trade bodies working in the media sector
- A review of a sample of whistleblowing cases and how they were managed in practice
- A review of a sample of child protection cases and how they were managed in practice
- Site visits to Glasgow, Salford, Cardiff, Elstree and the main London sites of the BBC to conduct the interview programme and to directly observe elements of child protection and safeguarding in practice
- Interviews with the 14 DJSR witnesses who had feedback to give on the CPP and WBP specifically and elected to speak to us.

The objective of this review is to evaluate policies and procedures sufficiently to be able to help the BBC to identify areas of strength and areas for action. The review has not tried to audit in detail each child protection and safeguarding activity in the BBC. The review also excludes the editorial content for children’s programmes and their potential impact on audiences.

The review team has taken the view, supported by the BBC, that child protection issues should be seen in the wider context of ‘safeguarding’ – that is a focus on creating a positive environment for interaction with children and young people, rather than narrowly focusing on ‘protection’. The term child protection and safeguarding (CP&S) is used throughout this review.

Safeguarding and Child Protection

Overall there is a clear commitment and recognition of the importance of CP&S in the BBC. There is also a good awareness of the processes needed to keep children safe. There has been a concerted effort to update policies and procedures and indeed attention continues to be paid to improving CP&S. Further work is now needed to ensure a uniform and consistent approach.

The BBC has tried to develop an approach to CP&S which is welcoming and inclusive to children, rather than seeing the inclusion of children as a risk or difficulty. At the same time the corporation is trying to ensure that it works with a minimum of bureaucracy. In the area of CP&S strong processes and controls are needed in order to properly protect children and the adults who work with them. In this review the team has been mindful in its recommendations to strike a balance to ensure that the BBC is open and not unnecessarily bureaucratic, but still has in place the essential elements of protection that are clearly needed.

The main findings are set out in the paragraphs below and the key recommendations are numbered. The headings follow the structure of the review framework. In addition there are a number of documentation inconsistencies and minor procedural improvements which are not set out in this report, but which have been fed back separately to the BBC.

Policy and Governance

The BBC has made a considerable effort to develop and improve the overall CPP and its governance. A new full-time child protection expert has been brought in to manage CP&S. A child protection steering group (CPSG) was set up in 2013 to oversee all CP&S issues with senior management involvement and support. The network of child protection nominated managers has been refreshed and re-trained, with a nominated manager in place for each division of the BBC. In addition there are two other managers with specific child protection expertise: one who is an expert in child protection online and another with considerable production experience who is responsible for face-to-face training, chaperoning and child licensing. These structures provide a strong basis for ensuring CP&S in the BBC.

The CP&S activities in the BBC are inherently interlinked with programme making, however the Head of Child Protection and Safeguarding (Head of CP&S) currently sits in the corporation's HR function. (1) The BBC should therefore consider putting CP&S into a programme-making function. It should appoint the equivalent member of the executive as the overall sponsor for the CPSG and for CP&S activities. (2) The two other managers with specific CP&S roles should have formal reporting lines to the Head of CP&S.

The CPP itself has been updated to cover the key issue of how to report a concern or incident and ensure that it is dealt with correctly. (3) However the CPP, as the top-level document, should be updated to incorporate the BBC's other existing aspects of CP&S including risk assessments, screening, licensing, chaperoning, parental consent, online protection, control and management of indies, and the other aspects of providing a safe working environment.

The management of CP&S outside the UK is challenging because of the diversity of the BBC's activities and the short-term nature of newsgathering. (4) The BBC should therefore have a higher-profile CP&S owner and processes for these international activities.

Given the considerable work that has already been undertaken, (5) the BBC should now finalise its draft CP&S strategy, incorporating the key actions identified in this report.

Culture and Awareness

Creating the right culture and awareness of CP&S issues is arguably more important than any policy or procedure. The interviews undertaken highlighted that there is strong awareness of child protection issues and a genuine desire to foster the right culture and ensure that the right policies and procedures are put in place. The key for the BBC is to ensure that an environment is created where top stars and 'talent' are expected to follow the same processes and adopt the same culture as everyone else. (6) The BBC should continue to communicate and train employees to reinforce and support this willingness to challenge top stars and talent.

In supporting the development of this culture and awareness the BBC is in the process of refreshing its CP&S training. At present the guidance on who should be trained is inconsistent. Also, the guidance does not cover a number of groups of employees who have occasional access to children such as make-up artists and security guards.

(7) The BBC should ensure that wherever people require screening in order to work with children at the BBC, these people also receive mandatory CP&S training. This training needs to be supported by good tracking processes to avoid exceptions and inconsistencies. (8) CP&S should be included in the employee induction process and a particular focus should also be given to the induction of freelancers and contracted workers, to ensure that they have adequate exposure to the culture and values of the BBC. (9) Modular training should be retained and linked to specific job areas to help employees understand particular CP&S topics like working with children online. (10) These efforts should be extended to indies by adding CP&S, where relevant, to the Safeguarding Trust training that is already provided to indies. (11) Licensed chaperones should also receive a basic induction on working in the BBC, in addition to their local authority training.

To support the culture and awareness of CP&S in the BBC, the corporation has developed detailed guidance for employees in Gateway, the BBC's intranet site. This includes useful guidance for licensing child actors. (12) However this guidance could be consolidated to cover the other areas of CP&S (such as risk assessment, screening etc.).

The nominated managers and the managers working in CP&S roles are generally well known. However (13) the BBC should continue to communicate the CPP and their roles and encourage employees to come to them for advice and guidance when needed.

(14) It would be helpful to develop a consistent 'working with children' checklist that can be used when commissioning indies and (15) to develop contract formats for actors/presenters covering CP&S in a consistent way. (16) It would also be helpful to ensure that parents and guardians are consistently and properly briefed about the BBC's CPP and CP&S processes.

Risk Assessment

The BBC has strong processes in place to evaluate risks overall and also to ensure that risks are evaluated for each programme or activity that is undertaken. A sample of risk assessments reviewed indicated that CP&S issues are considered with great care in most cases. However (17) the BBC should include 'working with children' in its overall corporate risk assessment. (18) It should also develop a clear, simple 'working with children' risk checklist for programme makers in the myRisks system.

Screening

Chaperoning is the most important way that the BBC protects children and the current chaperoning arrangements are generally working well. The screening of employees, freelancers and those appearing in

BBC productions is an important supporting activity to protect children. Screening is taken seriously at the BBC and awareness of the need for screening is high, though further improvements can be made to ensure consistency. The Disclosure and Barring Service (DBS) offers a number of levels of screening, from an enhanced DBS check, designed especially for people working unsupervised with children, through to a basic criminal records check. In addition to conducting these external checks, the BBC also asks its employees and contractors, where appropriate, to complete a self-declaration about any criminal history. In the most important area of risk, where employees' roles required enhanced screening, all individuals questioned by the review team had been correctly screened.

The BBC needs to (19) evaluate these different screening options, and how they should apply, for everyone it works with according to their level of interaction with children, whether they are appearing in a BBC production or carrying out any type of 'behind camera' role. (20) It should ensure that systems are established to ensure that each level of screening is consistently applied.

The BBC should also (21) develop a clear plan for third parties whose employees work regularly on BBC sites or at BBC events to ensure that the approach to the screening of these employees is consistent. (22) It should also develop a clear plan for indies to ensure that they also screen their employees and contractors consistently.

Ensuring a Safe Environment

The BBC has strong processes in place to provide a welcoming and safe environment for children and young people. In all sites visited by the review team there was evidence of genuine thought and effort made to keep children safe. Parental consent, child licensing and chaperoning are generally well run and overall the management of transport, accommodation, education and facilities in studios and at events take into account CP&S. (23) The BBC could further strengthen its processes by ensuring that age verification processes for audiences are consistently communicated and applied. (24) It should also require relevant suppliers to have CPPs and (25) occasionally audit the CP&S procedures of a sample of relevant indies and suppliers, such as supporting artist agencies and security firms.

The protection of children online is complex and the BBC has developed strong policies and procedures in this area to ensure that children cannot meet or interact privately with adults online on a BBC supported website.

However the BBC could be clearer about the use of children's images and the risks of revealing the identity of vulnerable children. The Editorial Guidelines give guidance on the protection of children's identities and obtaining consent but do not indicate what efforts should be made to establish whether or not children are vulnerable and their images should not be disclosed. Interviews indicated that employees are not clear about these guidelines and have different views about what is and is not acceptable in terms of using a child's image and when consent should be sought. Therefore (26) the BBC should ensure greater awareness and understanding of the guidance on obtaining consent for the use of children's images, for example when clearly locating a child or posting images of children online and (27) clearer guidance for its presenters on the use and content of their own social-media accounts in relation to CP&S.

Dealing with Concerns and Incidents

The interviews conducted suggest that the BBC is an environment where, in very large measure, people know a manager or someone in a position of authority to whom they could report a concern.

In terms of CP&S the BBC has established a system for reporting concerns via nominated managers, with reports fed through centrally to the Head of CP&S.

No CP&S concerns or incidents on BBC premises were identified directly during this review, although some current issues, and how they are being managed, were discussed with the review team. In addition a small number of CP&S concerns were reported to the review team. These concerns had been revealed to BBC employees about the potential abuse or mistreatment of children in their home environments.

Any concerns of this type should be fed through to the Head of CP&S to ensure that the appropriate authorities can be alerted. However individuals may not always be aware of the need to pass on this type of external concern to the Head of CP&S, or may feel unwilling to do so because of the sensitive nature of such concerns. Therefore (28) the BBC should reinforce the importance to all staff of reporting these types of external concerns to the nominated manager and then onto the Head of CP&S. (29) It may additionally be helpful to re-emphasise to freelancers and contracted staff, and to those that manage them, that reporting CP&S concerns will not compromise their job security.

Where concerns are raised internally the Head of CP&S would oversee the BBC's response. (30) The BBC needs to review this process to ensure that it is streamlined and that the Head of CP&S is centrally involved in managing any concerns.

(31) The channels to raise CP&S concerns should also be communicated via the terms of trade document for suppliers, the consent form for parents, the contracts with child actors, adult actors and presenters as well as in the contracts with indies.

From time to time, CP&S concerns might be raised in relation to editorial policy, for example when it is uncertain whether or not a child's identity can be disclosed. (32) The BBC should ensure that its processes for escalating these duty of care concerns are clearly understood and working.

Monitoring and Review

The BBC has made considerable efforts to review its CP&S policies, with a number of internal reports and audits of these processes.

(33) It would be useful for the Head of CP&S to make an annual report to the Executive Board and to use the new myRisks functionality for monitoring concerns to update the Executive on the number and type of issues reported.

(34) It would also be useful for the Head of CP&S to set up a survey of those involved in CP&S activities, such as chaperones, in order to obtain feedback and identify any gaps in policies or processes.

Benchmarking

In the area of child protection it was not possible to compare the BBC policy against other comparable organisations using publicly available information. The review team found that there were very few comparable policies in the public domain and it was difficult therefore to undertake any type of benchmarking.

Whistleblowing

The key findings and recommendations relating to whistleblowing are set out in the paragraphs below. The headings follow the structure of the review framework.

Leadership

The BBC has put in place a Whistleblowing Policy (WBP) that provides a channel for anyone inside the corporation to raise a serious concern, ensure that it is investigated impartially and bring it to the attention of the top management. These concerns could include a CP&S issue, although there is also a specific CP&S channel now in place, as noted above.

The WBP is available internally on the BBC's intranet site, Gateway. It can also be found externally in the 'about the BBC' section of the BBC's website.

Overall there is a clear tone and message from the senior management of the BBC encouraging employees to raise concerns openly. The very large majority of those interviewed by the review team said that they would feel confident raising a concern with a line manager or with someone else in a position of responsibility. However (1) the WBP would be stronger if a Non-Executive Director were named as an external person to whom concerns could be raised and (2) it would also be helpful if the WBP identified the Director of Risk and Assurance as the policy owner.

The WBP is currently being updated to reflect a recent internal audit. (3) This update should include the key recommendations from this report, as well as the minor wording changes needed in order to bring the WBP into line with the proposed Code of Practice from Public Concern at Work's Whistleblowing Commission Report (November 2013). (4) The WBP should then be approved by the Executive Board.

Whistleblowing Policy and Investigations

The WBP is clearly written and easy to understand. However it is addressed internally to employees and (5) should be re-worded to make clear that all stakeholders, whether internal or external, can raise a concern relating to the BBC, if needed. (6) It could also helpfully include some examples of what sort of issues should be raised in a BBC context. (7) The WBP should also be extended explicitly to include raising any serious concerns about potential breach of editorial policy.

The investigations process is described briefly in the policy and it is clear from interviews and document review that investigation activity is carried out in a genuinely impartial way and properly independently of the day-to-day management of the BBC. The investigation service (IS) needs to work with colleagues in HR and CP who carry out investigations in their specific areas. (8) It is important that these three service areas (IS, HR, CP) meet periodically and ensure a good flow of information between them.

Records are kept of all whistleblowing cases, with strong confidentiality and security controls built into the recording processes. For matters being raised through the formal whistleblowing channel, the identity of the whistleblower was kept properly confidential in all cases reviewed.

No examples of individuals using the whistleblowing channel and subsequently suffering 'detriment' were identified. However, in cases where individuals raised serious concerns with line management and did not use

the formal whistleblowing channel, the review team did identify a small number of historic cases and one more recent case in 2011 which appeared to show that individuals raising concerns had suffered detriment¹.

The WBP states that as far as possible whistleblowers are kept informed of the investigation, and this does seem to be the standard practice of those involved, although it is not practical to give much detail in many cases. The review team identified one instance from four years ago of a whistleblowing investigation being closed where the whistleblower appears not to have been informed. Processes have been tightened in the past couple of years and there is now a standard set of actions for closing investigations, which aids consistency.

Communication and Training

The review team found that awareness of the WBP is extremely low outside the senior management team in the BBC. This reflects the fact that the policy has not been promoted in recent years, in favour of other related policies, such as the CPP and the 'respect at work' campaign against bullying and harassment. (9) The BBC should make a strong effort to communicate the WBP and to remind employees of the role of whistleblowing in comparison to 'respect at work' and child protection. (10) The BBC should also review how the WBP is communicated outside the UK.

Some managers perceive the investigation service to be opaque. (11) It would therefore be useful for the investigation service to give an overview of its role and work to the head of each division and discuss how any potential case would be handled and communicated, whilst emphasising that confidentiality would be maintained.

At present there is no training in relation to the WBP. (12) The BBC should include WB in the induction programme for new employees and in the management compliance induction training. (13) The policy could also be usefully promoted in the contracts of indies, freelancers, actors, presenters, supporting artist agencies and other suppliers.

The WB cases are summarised and reported to the Executive Board and to the BBC Trust, however (14) the BBC may wish to consider how it reports on whistleblowing cases publicly to ensure compliance with the proposed Code of Practice.

Feedback, Monitoring and Independent Oversight

The BBC's Audit Committee receives a regular update on WB cases. The processes to report on cases to the Executive and to Non-Executive Directors appear robust.

The BBC conducted an internal review of its WBP in 2013. (15) It would also be useful to include the WB process and investigation service in a periodic audit. (16) Equally, it would be useful to survey BBC employees and contractors about their awareness of the WBP and their confidence in using it.

Whistleblowing Outside the Dedicated Channel

As awareness of the whistleblowing system is low, some issues that would ordinarily be raised through that channel are inevitably being raised to line managers. (17) It would therefore be helpful to increase line managers' awareness of the additional rights that are conferred on whistleblowers (whether or not the word whistleblowing is used). Training should be undertaken for line managers and HR on the particular requirements relating to whistleblowers such as protecting confidentiality, acting impartially and avoiding

¹ In the review team's judgement, these allegations are credible. However, we recognise that, in order to protect the anonymity of the witnesses, the BBC has not been given a right to reply on these cases.

detriment. The BBC should also take steps to ensure that line managers and HR are fully aware that the WBP also applies to freelancers, contractors and casual workers. (18) Once training has been completed, the BBC should re-emphasise to these freelancer, contractor and casual worker populations, and to their managers, that speaking up will not affect their job security.

Line managers should continue to be encouraged and supported to manage any issues or concerns raised by their team members. However (19) where serious allegations of dangers, risk, malpractice or wrongdoing are raised, line managers should ensure that these are referred to the investigation service. The investigation service, line managers and, where relevant, HR should then work together to handle the matter. Their handling of the matter will necessarily vary according to the situation but should include: considering whether to meet the individual raising concerns; excluding people affected by the potential disclosure from decisions taken on how to respond; considering whether the individual may have mental health needs that require specialist support; and seeking legal advice if there is any question of bringing disciplinary action against the individual or changing the individual's job status.

Benchmarking

In the area of whistleblowing it was possible to compare the BBC policy both against other public bodies as well as a group of media organisations. The National Audit Office (NAO) carried out a recent review of the whistleblowing policies of 39 public bodies in the UK.

The NAO's methodology was applied by the review team to benchmark the BBC's whistleblowing policy against these public bodies. This evaluation showed that the BBC's policy ranked 12th out of 40 organisations in the benchmark. In the corporate sector, the team sought to evaluate the BBC policy against nine other media organisations. Six of this group were found to have no publicly available policy. The BBC had a stronger written policy than the three other media organisations that had a published whistleblowing policy.

Appendix 1: The WB and CP Review Framework



Review of the BBC Whistleblowing and Child Protection Policies and Processes

The BBC is currently undergoing a comprehensive review of the effectiveness of its whistleblowing and child protection policies and processes. The review is aimed at ensuring that the BBC's policies and processes in these areas are as robust as possible and that any weaknesses are identified and corrected.

The review is being carried out by a specialist independent company called GoodCorporation, working in collaboration with child protection expert, Moira Murray.

The review will assess the BBC against the criteria set out in this document and will be based on document and system review and interview feedback. For each criteria GoodCorporation will look at four levels of evidence and assess these against a five-point scale, as set out below.

The assessor checks:

- that a policy exists
 - policy documents are reviewed
- that a system is in place to implement the policy
 - systems are examined
- that records exist which show that the system works in practice
 - a sample of records is reviewed
- the stakeholders agree that the system works in practice
 - interviews are held with employees and other relevant stakeholders

The assessor awards a grade:

- commendation
 - the policy and system work well and are examples of best practice
- no action required
 - the policy and system work well
- improvement recommended
 - there is a policy and system that work but potential improvements have been identified
- action required
 - there is a policy and system but they do not always work
- significant action required
 - there is no policy or system, or it has largely broken down

The criteria on whistleblowing are based on the proposed Code of Practice from Public Concern at Work's Whistleblowing Commission Report (November 2013).

The safeguarding children criteria have been developed by GoodCorporation and Moira Murray specifically for this review.



Framework on Whistleblowing at the BBC

Leadership

1. The top management of the BBC demonstrates a clear commitment to an open-door culture where stakeholders can raise concerns without fear and use whistleblowing arrangements where needed.
2. Overall responsibility for the open-door culture and whistleblowing arrangements of the BBC rests clearly with the top management.
3. Employees and other stakeholders are encouraged to raise any concerns openly with the BBC's management.

Whistleblowing policy and investigations

4. There is a clear whistleblowing policy covering the raising, handling and investigation of serious concerns.
5. Whistleblowing is managed as independently as possible from the day-to-day running of the BBC.
6. The whistleblowing policy covers the disclosure of dangers, risks, malpractice or wrongdoing that affects others.
7. Whistleblowing channels are open to all relevant stakeholders and identify to whom concerns should be raised and how they should be raised.
8. The whistleblowing process sets out how and by whom concerns will be handled and investigated.
9. Investigations are carried out confidentially, impartially, thoroughly and against a defined timeframe.
10. Proper records are maintained for all cases and investigations.
11. Whistleblowers are kept informed about the investigation process as far as possible.
12. Whistleblowers are informed, where appropriate, of the outcome of the investigation.
13. Where appropriate, remedial action is taken to prevent reoccurrence of issues highlighted.

14. The whistleblower's identity is kept confidential if requested, unless disclosure is required by law.
15. A whistleblower will not suffer detriment for having raised a concern unless it is proven that the whistleblower knowingly provided false information.
16. Whistleblowers are encouraged to report any detriment suffered for having raised a concern.
17. The whistleblowing policy clearly indicates that any employee who subjects a whistleblower to detriment for raising a concern will be sanctioned.
18. The whistleblowing policy informs whistleblowers that they are entitled to independent advice and explains how to access it.
19. The whistleblowing policy makes clear whether anonymous reporting is allowed and how anonymous reporting will be handled.

Communication and training

20. The whistleblowing policy is clearly communicated internally and externally.
21. There is regular and clear training for employees on the whistleblowing policy.
22. The BBC's annual report includes information about the effectiveness of the whistleblowing policy.

Feedback, monitoring and independent oversight

23. The BBC conducts periodic audits of the effectiveness of its approach to receiving and handling whistleblowing cases.
24. There is independent oversight and review by the Board of the BBC's approach to receiving and handling whistleblowing cases.
25. The BBC obtains feedback from employees on a periodic basis on the awareness and effectiveness of its whistleblowing policy.

Framework on Safeguarding Children at the BBC

Policy and governance

1. There is an overall strategy and implementation plan for ensuring effective practices for safeguarding children.
2. There is a written and clearly articulated policy on safeguarding children.
3. The policy has been formally approved by the Board and is published.
4. There is high-level and clear ownership of the safeguarding children policy.
5. Adequate resources are devoted to implementing and monitoring the policy and processes.

Culture and awareness

6. The BBC communicates its safeguarding children policies to its employees and freelancers and obtains their commitment annually to abide by the key requirements contained therein.
7. The BBC communicates its safeguarding children policies to its independent programme makers and obtains their commitment annually to abide by the key requirements contained therein.
8. The BBC communicates its safeguarding children policies to its co-production partners and obtains their commitment annually to follow equivalent principles.
9. The BBC informs the parents or guardians of children with whom it interacts about its safeguarding children policies.
10. BBC employees and freelancers who come into contact with children are trained on the safeguarding children policies and on associated processes relevant to their role.
11. Chaperones are trained on the BBC's safeguarding children requirements.
12. Independent programme makers who come into contact with children when making content for the BBC are trained on the BBC's expectations in terms of safeguarding children.
13. Guidance and advice on safeguarding children are available to managers, employees, freelancers, independent programme makers and co-production partners.

Overall risk assessment

14. There are processes to identify the types of interaction the BBC has with children (such as child actors, documentary/news subjects, participants, spectators, visitors to sites, viewing audiences, fans, work experience students).
15. There is a process to assess the risks associated with each type of interaction and to identify mitigation measures.
16. The risks and mitigation measures are reviewed periodically.

Screening

17. There are processes to identify those children with whom the BBC interacts and to take account of their individual needs.
18. There is a process to identify those individuals who are in contact with children in the course of BBC activity.
19. There is a process to screen employees and freelancers who come into contact with children (and their managers), both on recruitment and periodically thereafter.
20. There is a process to ensure that chaperones, whether contracted directly or indirectly, hold valid and in-date licences.
21. There is engagement with supporting artist agencies to ensure supporting artists are screened.
22. The adequacy of independent programme makers' policies and standards on safeguarding children is checked prior to commissioning.

Ensuring a safe environment

23. The informed consent of a parent or guardian is obtained for any participation by a child in a BBC activity.
24. There is a process for obtaining an appropriate licence for a child to participate in a public performance.
25. There is a process to ensure that at all times the child has a chaperone who is responsible for their welfare and that it is clear to all who that person is.
26. Plans for casting calls consider the potential risks to child welfare and mitigate them.

27. Where the BBC has responsibility for transport, there is a process to ensure that children are transported safely to and from BBC locations.
28. Appropriate facilities for children are available in the studios with supervision arrangements clearly set out.
29. Where the BBC has responsibility for children's accommodation, the accommodation is risk assessed and supervision arrangements are clearly set out.
30. The educational needs of child performers are met, through adequate tutoring and school liaison.
31. The risks connected with children using social media in relation to the BBC are assessed and adequate mitigation measures put in place.
32. The BBC requires third parties to have responsible safeguarding measures in place.
33. The BBC has and exercises audit rights relating to safeguarding practices of third parties.

Dealing with concerns and incidents

34. There is guidance for adults (employees, freelancers, independent programme makers) on recognising and, where appropriate, challenging inappropriate behaviour towards children.
35. All parties are made aware of how to raise concerns about the welfare of children involved in BBC activities.
36. There is a confidential channel for raising concerns that is well communicated and available both internally and externally.
37. There is a process for registering and tracking all incidents related to inadequate safeguarding and child protection and there is a gatekeeper who has overall responsibility for all child protection concerns and incidents.

38. There is an impartial information-gathering process for dealing with all reports of incidents.
39. There is a process for informing the relevant statutory authorities of safeguarding concerns, where appropriate.
40. There is a process for implementing remedial action following an investigation, both in terms of the specific incident and its broader implications.
41. There is a process for dealing with allegations and/or disclosures of historical abuse.
42. Sanctions are imposed in cases where required practices and behaviour are not followed.
43. Should policies conflict, it is recognised that the welfare of the child takes precedence.

Monitoring and review

44. There is a regular review of the adequacy of the measures in place relating to safeguarding children, including whether measures are being complied with in practice.
45. The policy, the measures in place and the adequacy of resourcing are regularly considered by the Board.
46. The Board is informed of child protection data and incidents.
47. The BBC abides by all applicable child protection regulations and standards in any country it works in.
48. Advice on best practice is sought externally and exchanged with peer organisations.
49. The views of parents, employees, chaperones and children are proactively sought to help review and strengthen policies and procedures.

Appendix 2: Summary of Recommendations

The recommendations are grouped into six areas regarding child protection and safeguarding (CP&S) and four for whistleblowing (WB).

Child Protection and Safeguarding Recommendations	
1. Governance and policy	Framework Point
<ul style="list-style-type: none"> ○ The BBC should consider putting CP&S into a programme-making function. It should appoint the equivalent member of the executive as the overall sponsor for the CPSG and for CP&S activities. (1) 	CP4
<ul style="list-style-type: none"> ○ The two managers with specific CP&S roles should have formal reporting lines to the Head of CP&S. (2) 	CP4
<ul style="list-style-type: none"> ○ The CPP, as the top-level document, should be updated to incorporate the BBC's other existing aspects of CP&S including risk assessments, screening, licensing, chaperoning, parental consent, online protection, control and management of indies, and the other aspects of providing a safe working environment. (3) 	CP2
<ul style="list-style-type: none"> ○ The BBC should have a higher-profile CP&S owner and processes for its international activities. (4) 	CP4
<ul style="list-style-type: none"> ○ The BBC should finalise its draft CP&S strategy, incorporating the key actions identified in this report. (5) 	CP1
<ul style="list-style-type: none"> ○ The guidance for licensing child actors could be consolidated to cover the other areas of CP&S (such as risk assessment, screening etc.). (12) 	CP6
<ul style="list-style-type: none"> ○ The BBC needs to review the process for responding to CP&S concerns to ensure that it is streamlined and that the Head of CP&S is centrally involved in managing any concerns. (30) 	CP37
<ul style="list-style-type: none"> ○ It would be useful for the Head of CP&S to make an annual report to the Executive Board and to use the new myRisks functionality for monitoring concerns to update the Executive on the number and type of issues reported. (33) 	CP46
<ul style="list-style-type: none"> ○ It would be useful for the Head of CP&S to set up a survey of those involved in CP&S activities, such as chaperones, in order to obtain feedback and identify any gaps in policies or processes. (34) 	CP49

2. Risk assessment	Framework Point
<ul style="list-style-type: none"> ○ The BBC should include ‘working with children’ in its overall corporate risk assessment. (17) 	CP16
<ul style="list-style-type: none"> ○ A ‘working with children’ risk checklist should be included for programme makers in the myRisks system. (18) 	CP15
3. Communication and training	Framework Point
<ul style="list-style-type: none"> ○ The BBC should continue to communicate and train employees to reinforce and support its willingness to challenge top stars and talent to ensure that they follow the same processes and adopt the same culture as everyone else. (6) 	CP34
<ul style="list-style-type: none"> ○ The BBC should ensure that wherever people require screening in order to work with children at the BBC, these people also receive mandatory CP&S training, supported by good tracking processes. (7) 	CP10
<ul style="list-style-type: none"> ○ CP&S should be included in the employee induction process and a particular focus should be given to the induction of freelancers and contracted workers, to ensure that they have adequate exposure to the culture and values of the BBC. (8) 	CP6
<ul style="list-style-type: none"> ○ Modular training should be retained and linked to specific job areas to help employees understand particular CP&S topics like working with children online. (9) 	CP10
<ul style="list-style-type: none"> ○ Licensed chaperones should receive a basic induction on working in the BBC. (11) 	CP11
<ul style="list-style-type: none"> ○ The BBC should continue to communicate the CPP and the roles of nominated managers and managers working in CP&S roles and encourage employees to go to them for advice and guidance when needed. (13) 	CP13
<ul style="list-style-type: none"> ○ The BBC should ensure that parents and guardians are consistently and properly briefed about the BBC’s CPP and CP&S processes. (16) 	CP9
<ul style="list-style-type: none"> ○ The BBC should ensure greater awareness and understanding of the guidance on obtaining consent for the use of children’s images, for example when clearly locating a child or posting images of children online. (26) 	CP31
<ul style="list-style-type: none"> ○ The BBC should provide clearer guidance for its presenters on the use and content of their own social-media accounts in relation to CP&S. (27) 	CP31

4. Screening	Framework Point
<ul style="list-style-type: none"> ○ The BBC needs to evaluate the different screening options available, and how they should apply, for everyone it works with according to their level of interaction with children, whether they are appearing in a BBC production or are carrying out any type of 'behind camera' role. (19) 	CP19
<ul style="list-style-type: none"> ○ The BBC should ensure that systems are established so that each level of screening is consistently applied. (20) 	CP19
5. Third parties	Framework Point
<ul style="list-style-type: none"> ○ Where relevant, CP&S should be added to the Safeguarding Trust training that is already provided to indies. (10) 	CP12
<ul style="list-style-type: none"> ○ The BBC should develop a consistent 'working with children' checklist that can be used when commissioning indies. (14) 	CP22
<ul style="list-style-type: none"> ○ The BBC should develop contract formats for actors/presenters covering CP&S in a consistent way. (15) 	CP6
<ul style="list-style-type: none"> ○ The BBC should develop a clear plan for third parties whose employees work regularly on BBC sites or at BBC events to ensure that the approach to the screening of these employees is consistent. (21) 	CP19
<ul style="list-style-type: none"> ○ The BBC should develop a clear plan for indies to ensure that they also screen their employees and contractors consistently. (22) 	CP21
<ul style="list-style-type: none"> ○ The BBC could further strengthen its processes by ensuring that age verification processes for audiences are adequately communicated and applied. (23) 	CP17
<ul style="list-style-type: none"> ○ The BBC should require relevant suppliers to have CPPs. (24) 	CP32
<ul style="list-style-type: none"> ○ The BBC should occasionally audit the CP&S procedures of a sample of relevant indies and suppliers, such as supporting artist agencies and security firms. (25) 	CP33

6. Reporting concerns	Framework Point
<ul style="list-style-type: none"> ○ The BBC should reinforce the importance to all staff of reporting external CP&S concerns to the nominated manager and then to the Head of CP&S. (28) 	CP37
<ul style="list-style-type: none"> ○ It may additionally be helpful to re-emphasise to freelancers and contracted staff, and to those that manage them, that reporting CP&S concerns will not compromise their job security. (29) 	CP35
<ul style="list-style-type: none"> ○ The channels to raise CP&S concerns should be communicated via the terms of trade document for suppliers, the consent form for parents, the contracts with child actors, adult actors and presenters and the contracts with indies. (31) 	CP35
<ul style="list-style-type: none"> ○ The BBC should ensure that its processes for escalating duty of care concerns are clearly understood and working. (32) 	CP43

Whistleblowing Recommendations	
1. Governance and policy	Framework Point
<ul style="list-style-type: none"> ○ The WBP would be stronger if a Non-Executive Director were named as an external person to whom concerns could be raised. (1) 	WB5
<ul style="list-style-type: none"> ○ It would be helpful if the WBP identified the Director of Risk and Assurance as the policy owner. (2) 	WB2
<ul style="list-style-type: none"> ○ The WBP update should include the key recommendations from this report, as well as the minor wording changes needed in order to bring the WBP into line with the proposed Code of Practice from Public Concern at Work's Whistleblowing Commission Report (November 2013). (3) 	WB4
<ul style="list-style-type: none"> ○ The updated WBP should be approved by the Executive Board. (4) 	WB1
<ul style="list-style-type: none"> ○ The WBP should be re-worded to make clear that all stakeholders, whether internal or external, can raise a concern relating to the BBC, if needed. (5) 	WB7
<ul style="list-style-type: none"> ○ The WBP could also include some examples of what sort of issues should be raised in a BBC context. (6) 	WB4
<ul style="list-style-type: none"> ○ The WBP should be extended explicitly to include raising any serious concerns about potential breach of editorial policy. (7) 	WB6
2. Whistleblowing investigations	Framework Point
<ul style="list-style-type: none"> ○ It is important that the three service areas (IS, HR, CP) meet periodically and ensure a good flow of information between them on WB cases. (8) 	WB9
<ul style="list-style-type: none"> ○ It would be useful for the investigation service to give an overview of its role and work to the head of each division and discuss how any potential case will be handled and communicated, whilst emphasising that confidentiality would be maintained. (11) 	WB20
<ul style="list-style-type: none"> ○ It would be useful to include the WB process and investigation service in a periodic audit. (15) 	WB23
<ul style="list-style-type: none"> ○ Where serious allegations of dangers, risk, malpractice or wrongdoing are raised, line managers should ensure that these are referred to the investigation service. (19) 	WB5, WB8 & WB9

3. Communication and training	Framework Point
<ul style="list-style-type: none"> ○ The BBC should make a strong effort to communicate the WBP and to remind employees of the role of whistleblowing in comparison to ‘respect at work’ and child protection. (9) 	WB20
<ul style="list-style-type: none"> ○ The BBC should review how the WBP is communicated outside the UK. (10) 	WB20
<ul style="list-style-type: none"> ○ The BBC should include WB in the induction programme for new employees and in the management compliance induction training. (12) 	WB20 & WB21
<ul style="list-style-type: none"> ○ The WBP could also be usefully promoted in the contracts of indies, freelancers, actors, presenters, supporting artist agencies and other suppliers. (13) 	WB20
<ul style="list-style-type: none"> ○ It would be useful to survey BBC employees and contractors about their awareness of the WBP and their confidence in using it. (16) 	WB25
<ul style="list-style-type: none"> ○ It would be helpful to increase line managers’ awareness of the additional rights that are conferred on whistleblowers (whether or not the word whistleblowing is used). Training should be undertaken for line managers and HR on the particular requirements relating to whistleblowers such as protecting confidentiality, acting impartially and avoiding detriment. The BBC should also take steps to ensure that line managers and HR are fully aware that the WBP also applies to freelancers, contractors and casual workers. (17) 	WB4 & WB7
<ul style="list-style-type: none"> ○ Once training has been completed, the BBC should re-emphasise to freelancer, contractor and casual worker populations, and to their managers, that speaking up will not affect their job security. (18) 	WB15
4. Public reporting	Framework Point
<ul style="list-style-type: none"> ○ The BBC may wish to consider how it reports on whistleblowing cases publicly to ensure compliance with the proposed Code of Practice. (14) 	WB22