

Whistleblowing Policy

Introduction

We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards in accordance with our policies and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are

- To encourage staff to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
- To provide staff with guidance as to how to raise those concerns
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be a mistake

Identifying a whistleblowing concern

The law provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one **made in the public interest** by a worker who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation

or concealment of any of the above is being, has been, or is likely to be, committed.

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

Examples include

- wilful or intentional harm or physical, psychological or financial abuse of a person we support
- theft, fraud, deliberate falsification of records
- fighting, assault on another person or threat of violence or offensive behaviour
- consumption of alcohol whilst at work
- any act or omission which puts people supported by the company at risk of harm or abuse

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- deliberate disregard of a safety regulation or requirement
- sleeping on duty unless expressly permitted.

There may be times when areas of practice raise concerns which need to be acknowledged and addressed. This is especially important in our organisation as the majority of our activity is in areas that may require subjective judgement on how care, support and services should be provided. There may also be times when you become aware of practices, actions or inactions which occur where you work that you do not agree with and which you believe could have serious consequences for the people we support, the people we employ or the organisation.

Employees may also disclose alleged wrongdoing or malpractice to certain specified bodies in circumstances where the alleged wrongdoing or malpractice falls within that body's remit, such as the Health and Safety Executive or the Financial Conduct Authority.

Reporting a concern

It may not be easy for a member of staff to report concerns, particularly relating to malpractice, dangerous activities, abuse, fraud or corruption. Any concerns, however, must be brought forward as early as possible, thus reducing the risk of any problem becoming more serious.

You should be prepared to set out the background and history of your concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. You do not have to be able to prove the allegations, but you do need to have a reasonable and genuine belief that the information you have is true and you are acting in the public interest. Some allegations may prove to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

Often it is possible, and appropriate, to raise a concern directly with your manager through personal contact or by telephone. E-mail also provides a quick way to bring something to the attention of a manager who may be 'off-site'. If the issue is complex a detailed email or letter may help, ensure your concerns are fully understood.

Who to report to

In most cases, you should be able to raise concerns with your immediate manager or, if the concern relates to your manager, to someone higher up the management chain.

Protection for the whistle-blower

If you make a qualifying disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. This could include demotion, being allocated all the worst jobs or forced to work excessive overtime.

We are committed to supporting you if you disclose information in line with this policy and will strive to protect you from any repercussions. We also wish to make it clear that, as far as is possible, by disclosing concerns your career with the organisation will not be affected.

This will apply even in cases where you have come forward in good faith, but the allegation later turns out to be unjustified.

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Confidentiality will be respected as far as possible if requested by you. However, it is important to note that there may be times when we are unable to honour this due to the nature of the allegation and the course of action that needs to be taken.

It must be understood that protection under this procedure will not apply if you knowingly and/or maliciously make false allegations against a colleague. In these circumstances, you may become subject to investigation and possible disciplinary action.

Investigation

On receiving a whistleblowing alert, a senior manager will appoint someone with an appropriate background to undertake an investigation. Wherever possible, when outside agencies also carry out an investigation, we will endeavour to carry out the internal investigation in conjunction with the external investigation.

The person appointed to be the investigating officer will usually be an experienced member of the Compliance Team. In exceptional circumstances, an independent person may be appointed to undertake the task. The investigating officer will have the right in serious cases to recommend suspension where he/she feels that it is appropriate.

The investigating officer will take whatever action is necessary to ensure a comprehensive investigation is undertaken into the area of concern. This may involve interviewing our staff and other relevant people, checking documentation and records and visiting our premises. It should be noted that the completion of an internal investigation does not prevent a separate disciplinary hearing, external enquiry or referral to another statutory body – for example, the Information Commissioner.

The report of the investigating officer will be returned to the originating senior manager who will refer it to the ET with any recommendations for action.

Any whistleblowing alert will be dealt with as quickly as practically possible. You will be kept informed of progress during the investigation and provided with a summary of the investigation, an outline of its findings and any action taken.

A summary of concerns raised under this policy and whether substantiated or not will be submitted routinely to the Management

Retraction of allegation


Once the disclosure has been made you can retract it at any time, but the organisation reserves the right to proceed with the investigation, even if you do not wish to proceed further.

Things to consider

This policy should only be used as outlined above. Careful consideration should be given as to whether other procedures – such as those for grievances or complaints – are more appropriate for resolving the matter before the whistleblowing process is invoked.

It is recognised that there may be occasions when, for various reasons, it will not be possible to fully substantiate the information you provide. Such cases will be treated with extreme sensitivity and special consideration will be given to supporting you within the workplace.

If during the course of the investigation the investigating officer feels that the policy has been deliberately misused or used maliciously, then they will decide whether to undertake further enquiries to establish if any action should be taken against you. There would need to be very clear evidence to substantiate this belief as it is not our intention to discourage any member of staff from raising their concerns. Specialist advice would be sought either internally or externally about the most reasonable course of action.

Name	Paul Macarthur	Position	Managing Director
Signature		Date	1 st January 2021