

## Whistleblowing Policy

### PURPOSE & SCOPE

The Whistleblowing Policy and Procedure is designed to encourage employees to notify the relevant managers within the Together Trust of any concerns they have about practice within the organisation which could have a damaging effect on the Trust, its Service Users, employees or its reputation.

The Together Trust relies on the dedication, professionalism, skill and honesty of its staff. The Trust's work with vulnerable children and families place staff and volunteers in positions of responsibility and power. Policies and procedures must be in place to ensure that these responsibilities are undertaken effectively and power is not abused.

All organisations face the risk of things going wrong or of, unknowingly, harbouring malpractice. The Trust wishes to engender a culture of openness, which will encourage employees to raise issues of concern at work without fear of victimisation or detriment.

The Policy covers the following key areas of concern, but this list is not exclusive or exhaustive:-

- Criminal offence, including financial malpractice
- Failure to comply with a legal obligation
- Miscarriage of justice
- Threat to individual health and/or safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above

#### Reference documents:

- Avoidance of Disputes and Grievances Policy and Procedure (Human Resources)
- Disciplinary Policy and Procedure (Human Resources)
- Suspension Policy and Procedure (Human Resources)
- Public Interest Disclosure Act 1998

## Whistleblowing Procedure

### 1. EMPLOYEE'S RESPONSIBILITY

- (a) All employees enjoy statutory protection under the Public Interest Disclosure Act 1998, provided they raise concerns, which must be made in "good faith" to one of the prescribed staff:
  - (i) Chief Executive
  - (ii) Director
  - (iii) Principal/Principal Manager or Senior Manager
  - (iv) Head of HR
- (b) If an employee uses the Procedure in this Policy to raise a genuine concern, the Trust gives an assurance that he/she will not suffer any form of retribution, victimisation or detriment. There is no question of having to prove anything and it does not matter if they are mistaken.
- (c) Should the employee request that the matter be dealt with in confidence the Trust will respect this request and, when possible, will make disclosures only with their consent. This may not be possible if evidence has to be given in criminal or civil proceedings. However, the employee will be offered all available support.
- (d) Where possible the Trust will give the employee feedback on any investigation and outcome resulting from their disclosures and be sensitive to their concerns.
- (e) Employees raising a concern should be aware of the need to follow the procedure and in particular to maintain confidentiality and avoid making wider disclosures/discussions e.g. to colleagues or family and friends. Issues of concern once formally raised must not be discussed with other members of staff or people outside the Trust.
- (f) The Trust acknowledges and accepts that it is better to raise a genuine unfounded concern than to take the risk of not doing so. However, it will be a gross misuse of the policy to raise an allegation or concern that is malicious, frivolous or vexatious. Such misuse could lead to disciplinary action.
- (g) The HR Department is available to give further advice on any aspect of this Policy and supporting Procedures.

### 2. PROCEDURE

- (a) **Procedure for Staff Raising Concern**
  - (i) This is not the Trust's Avoidance of Disputes and Grievances Policy and Procedure. Should an employee have an issue about their own personal circumstances then they should use the Trust's Avoidance of Disputes and Grievances Policy and Procedure. If an employee has concerns about malpractice within the organisation they should use this procedure.
  - (ii) If an employee is concerned about any form of malpractice they should, normally, first raise this with their Line Manager. There is no special process for this - the employee can tell their Line Manager or put it in writing, according to preference.
  - (iii) If however, the employee feels unable to tell their immediate Line Manager, for whatever reason, they should raise the issue with one of the prescribed staff listed in 1(a) above.

- (iv) If an employee has raised concerns and they are still concerned, or the matter is so serious that they feel they cannot discuss it with their Line Manager they should raise the matter with one of the prescribed staff listed in 1.(a) which includes directly with the Chief Executive.
- (v) External Disclosure. The main purpose of this policy is to give employees the opportunity and protection they need to raise their concern internally. The Trust would expect that in almost all cases raising concerns internally would be the most appropriate action for employees to take. However, if, for whatever reason, the employee feels they cannot raise their concerns internally he/she should consider raising the issue with the appropriate regulator e.g. Ofsted, Commission for Social Care Inspection (CSCI), Health and Safety Executive.
- (vi) Employees raising concerns under this Policy and Procedure will be offered support from an appropriate person outside their immediate working establishment.

**(b) Procedure for Managers Receiving Concerns**

- (i) The person receiving the concern should refer the matter to the relevant Manager or Head of Service, or if there is a concern about the involvement of collusion of this person, the Chief Executive or relevant Director. The Manager or Head of service in consultation with the Director responsible (or the Chief Executive if approached directly) will ensure the matter is addressed by an appropriate investigator and will ascertain the level of independence required.
- (ii) Any concerns about the actions or behaviour of employees of partnership organisations or students on placement, should be reported to the employer or placing college of the person about whom concerns have been raised.
- (iii) Depending on the nature and/or seriousness of the concern(s) raised and when it related to employee(s) then it may be necessary for the employee(s) in question to be suspended to allow the investigation to be undertaken.

**(c) Procedure for Investigators**

- (i) Following the concerns being raised by the line manager, an appointed investigator will hold a meeting with the informant within five working days at an appropriate venue (this may be away from the workplace) to:
  - Take details of concerns
  - Identify and take account of the informant's views on how the concern might be resolved
  - Ascertain how much the informant wishes to be informed about the process of investigation
  - Consider the support needs of the person who is the subject of the concerns and of the person raising them
- (ii) When meeting the informant the investigator will be accompanied by an appropriate person who will take notes. The informant will be asked to signify the accuracy of and their agreement with the notes by signing a copy for the investigator.
- (iii) If the concern raised relate to another member of staff then the investigator should be accompanied by someone to take notes.

- (iv) Where other members of staff are interviewed as part of the investigation they too should be asked to signify the accuracy of and their agreement with the notes.
- (v) The informant may, at their own request, be accompanied at this meeting by a work colleague.
- (vi) If the issue appears to be of a relatively minor and straightforward nature, and clearly does not involve a disciplinary or formal child protection investigation, the investigator will meet both with the individual who is the cause of the concerns to address the matter and separately with the individual's line manager. If the investigator is unaware of how to proceed, the advice should be sought from one of the prescribed staff listed in section 1.(a) above.
- (vii) Where the matter appears to have implications under the Disciplinary Procedure, the investigator should seek guidance from the Chief Executive, Directors or the HR department before approaching the person about whom there is concern.
- (viii) In this type of enquiry, witnesses and colleagues would not normally be interviewed by the investigator prior to meeting with the individual, who is the cause of concern, and their line manager. Where concerns are disputed, the investigator and the line manager should agree a plan of action to try and resolve the disputed areas, calling upon expertise of other staff e.g. operations staff as necessary.
- (ix) The investigator should aim to complete the enquiry and provide a report making recommendations for action to the line manager, with copies to the Chief Executive, Director or the delegated manager within 28 days of the concern being raised. Where the enquiry cannot be concluded within this timescale a progress report will be provided to the Chief Executive or relevant Director.
- (x) The line manager will be responsible for ensuring that action is carried out as recommended by the investigator e.g. training, additional supervision or support to informant.
- (xi) The investigator will not enter into any telephone discussions with the informant or anyone interviewed whilst they carry out the investigation. In other words, all discussions/meetings will be conducted face-to-face.

**(d) Investigation of Serious Concerns**

- (i) If the concern appears to involve ongoing abuse to a child, the investigator must consider whether any immediate action is necessary to protect the needs of the child, including referring the matter under child protection and/or the Trust's Disciplinary Policy and Procedure. In such circumstances the Chief Executive, relevant Director or delegated manager must be informed.
- (ii) Where the matter has been referred to the police or local authority for a child protection investigation, the investigators own enquiries will be superseded by the external enquiry.
- (iii) Where the child protection and/or disciplinary enquiries reveal no cause for concern, the investigator will complete their enquiry according to the provisions in section 3.(c).

### 3. ACTIONS FOLLOWING ENQUIRY

- (a) Following any enquiry the informant will be told of the outcome of the investigation into the concerns raised. Sometimes it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party. Where action is not taken an explanation will not be given. If the informant does not agree with the way the concerns have been addressed, they may, in the first instance, notify the Chief Executive. Thereafter, the informant may seek advice from external bodies e.g. Ofsted, CQC or Local Authority Registration and Inspection Unit.
- (b) A record of the enquiry and the outcome will be retained on the personal file of the person complained about for as long as those files are retained. The record on the file of the person complained about will exclude the identity of the complainant in cases where anonymity has been maintained.
- (c) Where the concern is not proven or found to be unfounded, the person complained about may attach their own comment regarding the investigation on their personal file and the concern will not be referred to adversely e.g. in appraisal or for a job reference. Where the concern is upheld, reference to it will be determined in line with the Together Trust Disciplinary Procedure.

### FLOW CHART - RAISING CONCERNS

#### STAFF CONCERN

