



Whistleblowing Policy V2

March 2019

Notice to staff using a paper copy of this guidance, the Intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

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Reader Information

Title	Whistleblowing Policy V2
Document purpose/summary	This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.
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Supersedes document	Lifeworks Public Disclosure (Whistleblowing) Policy – July 2014

Document review history

Version no.	Type of change	Date	Originator of change	Description of change
V2	Updated	March 2019	HR Manager	Update of policy to include procedure for investigating an allegation

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1 Introduction

- 1.1 This policy sets out the framework for dealing with allegations of illegal and improper conduct. Lifeworks Charity is committed to the highest standards of transparency, probity, integrity and accountability.
- 1.2 This procedure is intended to ensure that the Charity complies with its duty under the Public Interest Disclosure Act 1998.

2 Purpose

- 2.1 This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

3. Scope

- 3.1 This policy applies to all Lifeworks employees, including volunteers and contractors.
- 3.2 This procedure does not replace other Lifeworks policies and procedures or other specifically laid down statutory reporting procedures. For example, if an employee has a grievance about their working conditions they should use the Grievance Policy or, if they felt that their manager or a colleague was treating them unfavourably, they should use the Bullying & Harassment Policy.

Similarly, if an employee has a concern about the conduct of a fellow employee in the working environment (e.g. that they are not treating colleagues with respect) they should raise these with their line manager, or if that is not possible, with their Managers Manager.

4 Definitions

- 4.1 Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects that the Charity is responsible for or taken part in some wrongdoing.

5 Responsibilities

5.1 CEO & Board of Trustee responsibility

- 5.1.1 The CEO and Board of Trustees are ultimately responsible for the content of this policy, its implementation and review.

5.2 Manager responsibility

- 5.2.1 To familiarise themselves with the Whistleblowing Policy and other associated policies and guidelines.
- 5.2.2 Ensure staff are aware of the Whistleblowing Policy and other associated policies and guidelines.
- 5.2.3 Ensure all complaints/allegations are dealt with fairly and consistently, and in accordance with other employment policies where appropriate.

5.3 Employee responsibility

- 5.3.1 To familiarise themselves with the Whistleblowing Policy and other associated policies and guidelines.
- 5.3.2 To act responsibly at work and report incidents or allegations of conduct appropriately using the correct procedures.

5.4 **HR responsibility**

- 5.4.1 Provide support and advice to managers and employees on the operation of the policy and guidelines, where necessary.

6 **Qualifying Disclosures**

- 6.1 Those making qualifying disclosures are protected against dismissal or detriment by the Public Interest Disclosure Act 1998.

- 6.2 Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the Company has committed a “relevant failure” by:

- committing a criminal offence (this may include, for example, types of financial impropriety such as fraud)
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- damage to the environment
- covering up wrongdoing in the above categories

- 6.3 Employees must reasonably believe that the disclosure is “in the public interest”. We encourage you to use the procedure to raise any such concerns.

- 6.4 These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Company will take any concerns that you may raise relating to the above matters very seriously.

7. **Making an Allegation**

- 7.1 It is preferable for allegations to be made to an employee’s immediate manager to whom they report. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistle-blower believes that management is involved it would be inappropriate to raise it directly with them. The whistle-blower may then make an allegation directly to:

- The CEO, or
- The Chair, Board of Trustees

- 7.2 If either of the above receive an allegation they will consider the allegation and may discuss with either the CEO or other Trustees. The line manager (or either/or both) of the above, after consideration, will discuss with the whistle-blower and if they wish to proceed, the allegation will be investigated.

- 7.3 If you are not satisfied with the explanation or reason given to you, you may raise the matter with the CEO, appropriate official organisation or regulatory body (eg. CQC, Ofsted).

- 7.4 The Charity recognises that the decision to make an allegation can be a difficult one to make. However, whistle-blowers who make serious allegations in the reasonable belief that it is in the

public interest to do so have nothing to fear because they are doing their duty either to the Charity and/or to those for whom the Charity provides a service to.

7.5 The Charity will take appropriate action to protect a whistle-blower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

7.6 Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

8 Anonymous Allegations

8.1 This procedure encourages whistle-blowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the CEO/Chair, Board of Trustees.

8.2 In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

9 Untrue Allegations

9.1 No disciplinary or other action will be taken against a whistle-blower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistle-blower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, repetitive allegations with no substance, maliciously or for personal gain where there is no element of public interest).

9.2 Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

10 Confidentiality

10.1 All allegations will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower otherwise requests.

10.2 Similarly, if the allegation results in court proceedings then the whistle-blower may have to give evidence in open court if the case is to be successful.

10.3 The Charity will not, without the whistle-blower's consent, disclose the identity of a whistle-blower to anyone other than a person involved in the investigation/allegation.

11 Procedure for investigating an allegation

11.1 The recipient of the allegation will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- The record of the allegation:
- The acknowledgement of the allegation;
- Any documents supplied by the whistle-blower

11.2 The investigator will ask the whistle-blower for their preferred means of communication and contact details and use these so as to preserve confidentiality.

11.3 If the allegation discloses evidence of a criminal offence it will immediately be reported to the Board of Trustees and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children or vulnerable adults the appropriate safeguarding procedures must be followed.

11.4 Where a whistle-blower has put their name to an allegation, a written acknowledge will sent within 10 working days and will include an indication of how the Charity proposes to deal with the matter and the length of time it is likely to take to provide a final response, whether further investigations will take place and if not, why not and information on further support for the whistle-blower.

12 Support

12.1 The Charity will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if a whistle-blower is required to give evidence in criminal proceedings the Charity will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

12.2 The Charity accepts that whistle-blowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

13 Treatment by others

13.1 Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary

14 Monitoring Compliance

14.1 A confidential register will be maintained by Line Managers in each service area and will be available on request to the CEO of all whistleblowing allegations and will include:

- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details
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The CEO will report all whistleblowing allegations to the Board of Trustees on a quarterly basis. The report will be in a form which does not identify whistle-blowers.

Executive approval is subject to the understanding that the policy author/owner has followed the organisation process for policy ratification