



lifeworks

Learning disability champions

Lifeworks Charity Limited

Whistleblowing Policy V5.0

September 2024

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.

Owner: Head of Finance & Governance

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1 Equality, Diversity, Inclusion & Belonging

- 1.1 Lifeworks is committed to encouraging equality, diversity, inclusion and belonging amongst our workforce and eliminating unlawful discrimination. The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best. The Charity, in providing services, is also committed against unlawful discrimination of service users or the public.

2 Introduction

- 2.1 The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be "in the public interest". We encourage you to use the procedure to raise any such concerns.
- 2.2 Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the Organisation's grievance policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, (ie it relates to a personal grievance) the receiving manager will confirm that the matter will be addressed under the grievance policy.

3 Purpose

- 3.1 This document outlines the Charity's policy for responding to serious allegations or reports of abuse of service users, and other forms of misconduct (e.g. standards, conduct, financial irregularity or possible unlawful action), made by one or more members of staff against other staff. These actions are known as whistleblowing.
- 3.2 It is legally recognised that staff who are in a position to observe and report bad practice should be enabled to do so without fear of repercussions (i.e. victimisation, discrimination or being disadvantaged). Indeed, failure to report malpractice could lead to accusations of colluding in it, and therefore of being guilty of misconduct.
- 3.3 Speak up and we will listen - speaking up about any concerns staff have at work is important. It is vital because it will help us to keep improving our services for all service users and the working environment for the staff.
- 3.4 Staff may feel worried about raising a concern, and we understand this but they should do not be put off. The Charity is committed to an open and honest culture and we will look into what you say and make sure that staff who raise a concern will always have access to any support needed.

4 Scope

- 4.1 This policy applies to all Lifeworks employees, including volunteers and contractors.
- 4.2 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 and 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 unfavorably, they should use the Bullying & Harassment Policy.
- 4.3 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 this with their line manager, or if that is not possible, with their Manager's Manager.
- 4.4 This policy is intended to ensure that the Charity complies with its duty under the Public Interest Disclosure Act 1998.

5 Definition

5.1 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 taking part in some wrongdoing.

5.2 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

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 Organisation will take any concerns that you may raise relating to the above matters very seriously.

5.3 Employees must reasonably believe that the disclosure is “in the public interest”.

6 Responsibilities

6.1 Head of Finance & Governance & Board of Trustee responsibility

6.1.1 The Head of Finance & Governance and the Board of Trustees are ultimately responsible for the content of this policy, its implementation and review.

6.2 Manager responsibility

6.2.1 To familiarise themselves with the Whistleblowing Policy and other associated policies and guidelines.

6.2.2 To ensure staff are aware of the Whistleblowing Policy and other associated policies and guidelines.

6.2.3 To ensure all complaints/allegations are dealt with fairly and consistently, and in accordance with other employment policies where appropriate.

6.3 Employee responsibility

6.3.1 To familiarise themselves with the Whistleblowing Policy and other associated policies and guidelines.

6.3.2 To act responsibly at work and report incidents or allegations of conduct appropriately using the correct procedures.

6.4 HR responsibility

6.4.1 To provide support and advice to managers and employees on the operation of the policy and guidelines, where necessary.

7.0 Obligations on staff to report a serious concern

7.1 The Charity requires its entire staff to observe the Charity’s work and report diligently on anything that causes them concern. We believe that teamwork and loyalty to colleagues should not be

allowed to deter staff from reporting suspected abuse, criminal acts, and neglect of service users/students or bad practice, and follows the guidelines issued by regulatory bodies (ie. Ofsted, CQC).

- 7.2 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.
- 7.3 At no time will the Charity penalise or victimise any staff member who responsibly reports their concerns and 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.

8.0 What Concerns can be raised

- 8.1 Risk, wrongdoing and bad practice which is believed to be harmful to the services we deliver should be raised as a concern.

Some examples are:

- Unsafe care.
- Unsafe working conditions.
- Inadequate induction or training.
- Lack of or a poor response to reported incidents.
- Bullying culture.
- A safeguarding concern

This list is not exhaustive.

- 8.2 Proof is not required, we encourage all staff to raise the matter while it is a concern. It does not matter if you turn out to be mistaken as long as you are genuinely troubled.
- 8.3 Employees must reasonably believe that the disclosure is “in the public interest”. We encourage the use of the procedure to raise any such concerns.
- 8.4 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 Charity will take any concerns that you may raise relating to the above matters very seriously.

9.0 Raising a serious concern

- 9.1 In the first instance you should report any concerns you may have to your line manager. Where the concern relates to your line manager or it is not appropriate to make the report to your line manager you should raise your concerns with either their manager, the Head of Finance & Governance or the Board of Trustees. All concerns reported will be treated in the utmost confidence.
- 9.2 You may submit your concerns in any format, however you will need to confirm any verbal concerns in writing or to confirm a written record of a verbal report.
- 9.3 If you do not believe that it is appropriate for you to raise your concerns internally, you should report your concerns to an outside authority such as the police, the local authority safeguarding unit or to a regulatory body (Ofsted/CQC).
- 9.4 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 and will be considered at the discretion of the Head of Finance & Governance /Chair of Board of Trustees.

In exercising discretion to accept an anonymous allegation the factors to be considered:

- 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

10.0 Investigating a disclosure

- 10.1 Following receipt of a disclosure made under this policy, an investigation meeting will be held within 5 working days of the receipt of the disclosure by the investigating manager. The purpose of this meeting is to gather as much information as possible regarding the concerns. This should include:
- A record of the allegation, including background, history and names of anyone who may be involved.
 - Supporting evidence including identifying any witnesses.
 - The whistle-blower's preferred means of communication and contact details.
- 10.2 The investigating manager will usually be the person that the initial disclosure is reported to.
- 10.3 After the meeting, the investigating manager will commence a full investigation into the concerns raised. The investigation will aim to gather all relevant information including relevant documentary evidence or witness statements.
- 10.4 This investigation must be completed within 10 working days following the initial investigation meeting. If this is not possible, the investigating manager will speak with the individual who has made the disclosure in advance of the completion deadline to agree an extended period of investigation.
- 10.5 Once the investigation is complete, the investigating manager will write to you confirming the outcome.
- 10.6 If you are not satisfied with the explanation or outcome, you may raise the matter with the Head of Finance & Governance (or the Board of Trustees if the disclosure is regarding the Head of Finance & Governance) or the appropriate official organisation or regulatory body (ie. Ofsted, CQC, Charity Commission).
- 10.7 If the allegation discloses evidence of a criminal offence, the manager to whom the allegation has been reported to must report it to the Head of Finance & Governance and a decision will be made as to whether to inform the Police.
- 10.8 If the allegation concerns suspected harm to children or vulnerable adults, the appropriate safeguarding procedures must be followed. In addition, they should also protect the source of the information, if possible.
- 10.9 If a manager fails to act promptly, suppresses evidence, or is involved in any action to discourage whistleblowing, they may render themselves liable to disciplinary action.
- 10.10 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 allegation is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.
- 10.11 Should formal action be required as a result of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

11.0 Protection against detrimental treatment

- 11.1 Everyone who raises matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.
- 11.2 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 action.

12.0 Confidentiality

- 12.1 The Charity wants people to feel comfortable raising concerns openly but also appreciates that whistle-blowers may want to raise them confidentially. This means that while they are willing for their identity to be known to the person to which the concern has been reported, they do not want anyone else to know their identity, therefore the Charity will keep their identity confidential unless required to disclose it by law.
- 12.2 A whistle-blower can choose to raise their concern anonymously without giving a name but that may make it more difficult to investigate thoroughly and give them feedback on the outcome.
- 12.3 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 unless required by law.

13.0 Support

- 13.1 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.
- 13.2 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.
- 13.3 Additional support can be sought from the Charity's EAP helpline, Mindful Employer which is available 24/7 (Tel: 0300 555 6006).

14.0 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 Head of Finance & Governance 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
- 14.2 The Head of Finance & Governance 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.

USER FRIENDLY GUIDE TO WHISTLEBLOWING

What is whistleblowing?

Whistleblowing is a term used for when an employee of an organisation raises a concern about poor practice or abuse within the company. The Charity's whistleblowing policy is designed to protect the employee from repercussions for raising their concerns.

How does this help?

The legislation that helps support the Charity's whistleblowing policy is called the Public Interest Disclosure Act 1998. This legislation promotes the protection of anyone who makes a disclosure under the act to be able to raise their concerns and be protected by their employer from dismissal, disciplinary proceedings as well as protection from harassment or repercussions from other staff.

Who do I raise my concerns with?

You can raise any concerns you have about poor practice, abuse, negligence or anything else you feel is harmful or dangerous to your line manager who will investigate your concerns and take the appropriate action. If you do not feel comfortable raising the concern to your manager you can go to their manager, a member of the SLT or a Trustee.

If you feel you cannot do this and your concern is in relation to a **vulnerable child** you can approach an outside agency such as the Police, the local MASH team, LADO or Ofsted. If the concern is related to a **vulnerable adult** then you can approach the Police, the local safeguarding team, or CQC.

Will anyone really listen to me?

Lifeworks takes all concerns raised by their employees seriously. Every single issue brought to the organisation that highlights any type of poor or inappropriate activity will be fully investigated.

Will anyone know what I have said?

No one will know what you have said if you wish to remain anonymous. The Charity will protect your identity during its investigation and any further action taken as a result of that investigation if that is your wish, especially if you feel your colleagues or others may treat you differently if they knew you had spoken to someone about your concerns.

On a different note the company will also fully support you if you do wish to take an active part in any investigation and do not wish to remain anonymous. Any recriminations from others resulting from this would result in disciplinary action being taken against those responsible.

Only blow the whistle for the right reasons

It is very important to think about what you are raising as a concern and why. The Charity is committed to thoroughly investigating every concern and reach their conclusion on all the evidence that is found during the investigation.

Remember, whistle blowing is for reporting bad practice, abuse or serious concerns and not for raising grievances about your manager, other staff or for penalising someone you don't like or someone you don't think works as well as you! There are other policies and procedures under which you can address these concerns, such as the grievance, bullying & harassment and dignity at work.

Anyone who is found to be making any type of fabricated or malicious accusation against another employee will be subject to disciplinary action being taken against them.

Where can I go for extra support?

Click on any of the images below for further information and contact details.



Policy Information Chart

Title	Whistleblowing Policy V5.0
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.
Owner	Head of Finance & Governance
Policy Department	Safeguarding
Ratification date	September 2024
Review date and frequency	Annually, or earlier if there is a change in evidence
Consultation process	SLT
Ratified by	BOT
Target audience	All Lifeworks Staff and Trustees
Circulation	Electronic: Breathe HR Written: Upon request to the Policies Administrator Please contact the Policy Administrator if you require this document in an alternative format.
Equality analysis checklist completed	Yes
References/sources of information	CIPD Gov.uk
Associated documentation/cross referenced policies	Grievance Policy Disciplinary Policy Safeguarding Policies
Supersedes document	Whistleblowing V4.0

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

Document Review History

Version no.	Type of Change: Major, minor, none or taken out of use	Date	Author of change	Description of change
2.0	Updated	March 2019	HR Manager	Updated addition of procedure for investigation an allegation
3.0	Major	Sept 2022	Safeguarding lead	Updated format and sections
4.0	Update	January 2024	Safeguarding lead	Update
5.0	Update	September 2024	Head of Finance & Governance	Update of officers

