



lifeworks
Learning disability champions

Lifeworks Charity Limited

Whistleblowing Policy V3

September 2022

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 People and Culture

Policy Information Chart

Title	Whistleblowing Policy V3
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 People and Culture
Policy Department	Safeguarding
Ratification date	09/2022
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: Intranet 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
Supersedes document	Whistleblowing V2

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 investigating an allegation
3.0	Major	Sept 2022	Safeguarding Lead	Updated format and sections

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1 Equality, Diversity and Inclusion

1.1 Lifeworks is committed to encouraging equality, diversity and inclusion among 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 Charity's policy on whistleblowing sets out to comply, in every aspect, with the Public Interest Disclosure Act 1998 in protecting and not victimising staff who seek to report, and who have investigated, genuine and reasonable concerns about any form of malpractice that they encounter in their work.

2.2 At the same time, the Charity aims to create an atmosphere of open communication and commitment to high standards of work, within which criticisms can be frankly made and thoroughly investigated.

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 unfavourably, 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

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

6 Responsibilities

6.1 CEO & Board of Trustee responsibility

6.1.1 The CEO and 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 Obligations on staff to report a serious concern

- 7.1 The Charity requires its entire staff to observe the organisation'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 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.

7.4 Raising a serious concern

- 7.4.1 Despite the assurances given by the Charity, we accept that there may be incidents that a staff member does not feel confident enough or able to report in the first instance to their line manager (eg. if the whistle-blower believes that management is involved it would not be appropriate to raise it directly with them).
- 7.4.2 Where it is deemed not appropriate or considered too sensitive the worker should report the concern to a senior manager, the CEO or the Board of Trustees.
- 7.4.3 If due to the circumstances it is not considered appropriate to follow 7.2.1 or 7.2.2 the Charity then accepts the right and obligation of the staff member to report their concerns to an outside authority such as the police, the local authority safeguarding unit or to a regulatory body (Ofsted/CQC) to initiate an investigation. The Charity will not penalise or victimise any staff member who responsibly reports their concerns in these ways.

8 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.

This list is not exhaustive.

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.

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

8.3 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 Investigating and dealing with allegations

9.1 If the allegation discloses evidence of a criminal offence, the manager to whom the allegation has been reported to must report it to the CEO 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. In addition, they should also protect the source of the information, if possible. 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.

9.2 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 whistle-blower’s preferred means of communication and contact details and use these so as to preserve confidentiality
- 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)
- Any documents supplied by the whistle-blower

9.3 Where a whistle-blower has put their name to an allegation, a written acknowledgement will be 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.

9.4 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 Anonymous Allegations

10.1 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 and will be considered at the discretion of the CEO/Chair, Board of Trustees.

10.2 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

11 Unjustified Allegations

11.1 The Charity takes reports from whistle-blowers seriously and investigate all allegations thoroughly. Any allegations against colleagues that are found to be merely flippant or malicious may render the accuser liable to disciplinary action and criminal proceedings.

12 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 Dealing with interference with or victimisation of staff who have reported a serious concern

13.1 Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager, or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings. A whistle-blower who feels themselves to be subject to hostile action from colleagues should inform their manager who should, if necessary, take steps to alter the staff member's duties to protect them from the hostile action.

14 Support

14.1 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.

14.2 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.

15 Monitoring compliance

15.1 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

15.2 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.

Appendix A1: LIFEWORKS

USER FRIENDLY GUIDE TO WHISTLEBLOWING (ADULTS)

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 organisations whistleblowing policy is designed to protect the employee from recriminations for raising their concerns.

How does the policy do this?



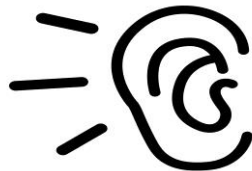
The legislation that helps support the organisations whistleblowing policy is called the Public Interest Disclosure Act 1998. This legislation promotes the protection of anyone who makes a disclosure under the act to be able to raise their concerns and be protected by their employer from dismissal, disciplinary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

Who Do I raise my concerns to?



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 or to a member of the SLT or a Trustee. If you feel you cannot do this you can approach an outside agency such as 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 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 organisation 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. It is also important to realise that the organisation will thoroughly investigate every concern and base any decision made on 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 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 and your manager can tell you what these are.

Any 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 find more information?



There is a very useful website that contains everything you may want to know about whistle blowing. There are also email contacts and a phone number you can call for advice. This website specialises in NHS and Social Care issues. Please note however this is an advice service only and not a place where you can raise your concerns officially. You can find out who you can go to in the section above "Who do I raise my concerns to?"

www.wbhelpline.org.uk



THE WHISTLEBLOWING HELPLINE IS A SERVICE FOR:

- NHS staff (including trainees and agency staff)
- Staff in the social care sector (including trainees and agency staff)
- NHS and social care employing organisations
- Contractors for the NHS and social care sector
- Trade unions
- Professional bodies

WHAT SERVICES DO WE PROVIDE?

- Free, confidential advice to NHS and Social Care staff that witness wrongdoing and are unsure whether or how to raise their concern.
- Advice and support to managers or those responsible for matters of policy development and best practice within the health and social care market.
- Assistance with developing and embedding whistleblowing procedures.
- Assistance with whistleblowing policy review and development.
- Advice on how to respond to whistleblowing concerns that have been raised

Appendix A2: LIFEWORKS

USER FRIENDLY GUIDE TO WHISTLEBLOWING (CHILDREN)

What is whistleblowing?



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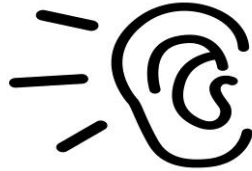
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About the Whistleblowing Advice Line

The Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

If you think an organisation is putting children at risk, even if you're not certain, call today to talk through your concerns.

Worried about a child?

If you're worried about a child, even if you're unsure, contact our helpline to speak to one of our counsellors. Call us on 0808 800 5000, email help@nspcc.org.uk or fill in our online form.

or

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