



## **WHISTLEBLOWING POLICY**

### **1. What is Whistleblowing?**

In this policy “whistleblowing” means the reporting by employees of suspected misconduct, illegal acts or failure to act within the company.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the company’s work to come forward and voice those concerns.

Employees are often the first to realise that there may be something seriously wrong within the company. “Whistleblowing is viewed the company as a positive act that can make a valuable contribution to the Company’s efficiency and long term success. It is not disloyal to colleagues or the company to speak up. The company is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all practices. To help achieve these standards it encourages freedom of speech.

If you are considering raising a concern you should read this Policy first. It explains;

- The type of issues that can be raised
- How the person raising a concern will be protected from victimisation and harassment
- How to raise a concern, and
- What the council will do

### **2. What is the aim of the policy and when does it apply?**

#### **2.1 Aims of the Policy**

The policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the company without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns within the company rather than ignoring a problem or “blowing the whistle” outside.

- Encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and that you are aware of how to pursue them if you are not satisfied.

- Reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.
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## **2.2 Scope of this Policy**

This Policy is intended to enable those who become aware of wrong doing in the company affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistle Blowing Policy is not intended to replace existing procedures;

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures
- If a client has a concern about services provided to him/her, it should be raised as a complaint to the managing director.
- Complaints of misconduct by the company are dealt with under a separate procedure.

## **2.3 Who can raise a concern under this Policy?**

The Policy applies to all

- All employees
- Employees of contractors working for the company
- Employees of supplies
- Those providing services under a contract or other agreement with the company

## **2.4 What should be reported?**

Any serious concerns that you have about service provision or the conduct of officers or members of the company or other acting on behalf of the company;

- Make you feel uncomfortable in terms of known standards
- Are not in keeping with the Companies policies
- Fall below established standards of practice
- Are improper behaviour

These might relate to;

- Conduct which is an offence or a breach of the law ( a criminal offence has been committed or failing to comply with any other legal obligation)
- Disclosures related to miscarriages of justice
- Racial, sexual, disability or other discrimination
- Health and safety of the public and/or other employees
- Damage to the environment
- Unauthorised use of public funds other assets
- Possible fraud and corruption
- Neglect or abuse of clients
- Other unethical conduct

### **3. Protecting the Whistle blower**

#### **3.1 Your legal rights**

This policy has been written to take account the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for the Company to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The company cannot promise not to act against such an employee, but the fact they came forward may be taken into account.

#### **3.2 Harassment of Victimisation**

The company is committed to good practice and high standards and to being supportive of you as an employee.

The company recognises that the decision to report a concern can be difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

The company will not tolerate any harassment of victimisation of a whistle blower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

#### **3.3 Support to you**

Throughout this process:

- You will be given full support from senior management
- Your concerns will be taken seriously, and
- The company will do all it can to help you throughout the investigation

If appropriate the company will consider temporarily re-deploying you for the period of the investigation.

#### **3.4 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

### **3.5 Anonymous Allegation**

This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the company. In exercising this discretion the factors to be taken into account would include;

- The seriousness of the issues raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

### **3.6 Untrue Allegations**

Untrue allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the company will recognise your concern and you have nothing to fear. If however you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

## **4. Raising a Concern**

### **4.1 Who should you raise your concern with?**

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with

- Your manager
- Your contract manager
- Your managing director

### **4.2 How to raise a concern**

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information.

- The nature of your concern and why you believe it to be true
- The background and history of the concern
- Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the company and there are reasonable grounds for concern.
- You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

## **5. What the company will do**

The company will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the company will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality ie by not informing the subject of the complaint unit (or if) it becomes necessary to do so . In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may;

- Be investigated by management, or through the disciplinary/grievance process
- Be referred to the police
- Form the subject of an inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you;

- Acknowledging that the concern has been received
- Indicating how the company proposes to deal with the matter
- Supplying you with information on staff support mechanisms
- Telling you whether further investigations will take place and if now, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or friend may accompany you in support.

The company will do what it can to minimise any difficulties that you may experience as a result of raising a concern.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

## **6. The Responsible Officer**

The managing Director has overall responsibility for the maintenance and operation of this policy.

## **7. How the Matter can be taken further**

If you raise concerns outside the company you should ensure that it is to one of the prescribed contacts. A public disclosure to anyone else could take you outside of the protection of Public Interest Disclosure Act and of this Policy.

You should not disclose information that is confidential to the company or to anyone else such as a client, contractor of the company except to those included in the list of prescribed contracts.

The Policy does not prevent you from taking your own legal advice.

#### **8. Review of the Policy**

The company policy committee will review this policy annually.