



## **Dementia Active Whistleblowing Policy**

### **Key Points**

This Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

Dementia Active is committed to the highest standards of transparency, integrity and accountability.

This procedure is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action. It is designed to ensure confidentiality and protect those making such allegations from being victimised, discriminated against or disadvantaged, in the reasonable belief that it is in the public interest to do so. This procedure is intended to ensure that Dementia Active complies with its duty under the Public Interest Disclosure Act 1998.

### **Scope**

The policy applies to all Dementia Active employees and volunteers. It does not replace other Dementia Active policies or procedures. For example, if an employee has a grievance about their working conditions they should use either the Dementia Active Grievance Policy or the Complaints 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 in the first instance with their Group Leader or if the issue is connected to this person then the chair of directors.

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

## **Reporting Procedure**

Depending on the nature of the allegation and who it might involve, report either verbally or in writing to:

the Safeguarding Lead – Melissa Fazackerley – [melissa@dementiactive.co.uk](mailto:melissa@dementiactive.co.uk) or the Chair of the Board of directors.

## **Allegation**

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.

Dementia Active recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers 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 Dementia Active and/or to those for whom Dementia Active is providing a service.

Dementia Active will take appropriate action to protect a whistleblower 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.

## **Confidentiality**

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests this, unless the matter becomes the subject of disciplinary proceedings against the whistleblower due to a malicious allegation .

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

Dementia Active will not, without the whistleblower's consent, disclose the identity of the whistleblower to anyone other than the person leading the investigation.

## **Anonymous Allegations**

This procedure encourages whistleblowers 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 Board of Directors.

In exercising discretion to accept an anonymous allegation the following factors need 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

## **Untrue Allegations**

No disciplinary or other action will be taken against a whistleblower 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 whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

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.

## **Action on receipt of an Allegation**

The person receiving 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 whistleblower

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the Treasurer will be informed within 5 working days of receipt of the allegation. The Treasurer will determine whether the allegation should be investigated and the method of investigation.

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 Dementia Active members OSAB (Oxfordshire Safeguarding Adults Board) will be informed immediately.

#### Timetable

- An acknowledgement of the allegation in writing within 10 working days with
  - An indication of how Dementia Active propose to deal with the matter
  - An estimate of how long it will take to provide a final response
  - An indication of whether any initial enquiries have been made
  - Information on whistleblower support mechanisms
  - An Indication as to whether further investigations will take place and if not, why not

Clearly where the allegation has been made anonymously, Dementia Active will be unable to communicate what action has been taken.

#### **Support**

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

Dementia Active accepts that whistleblowers 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.

#### **Get independent advice**

You can also get advice from your trade union or from [Citizens Advice](#).

#### **Responsibility for the Procedure**

The Chair of Directors have overall responsibility for the operation of this procedure and for determining the administrative processes to be followed and the format of the records to be kept.

## **Monitoring**

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- 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

The Register will be confidential and only available for inspection by the Board of Directors.