



## **Whistle-Blowing Policy and Procedure**

### **What is a 'whistleblower'?**

The term 'whistleblower' is used to describe someone who becomes aware of a serious problem in an organisation and raises the matter so it may be investigated and, if necessary, corrected. Sometimes this may involve bringing the problem to wider attention. Usually, the whistleblower will be an employee, but could be someone else, such as a Board Member, consultant or volunteer. Some whistleblowers will report a problem to their manager, or someone else more senior within the organisation. Or in other cases they might go to the media, the police, a regulatory body, an MP, or someone with audit responsibilities for the organisation.

In the past, many organisations have strongly discouraged whistleblowing. Whistleblowers have been depicted as disloyal and underhand and have often lost their jobs, or suffered at work, as a result of their actions. This climate of opinion is now beginning to change. The Committee on Standards in Public Life (the Neill Committee) has stressed the positive role that whistleblowing can play, and the need for improved procedures and practices which allow people with serious concerns to come forward at an early stage.

The sorts of problems covered might include:

- financial frauds and malpractice;
- other types of corruption or breaches of trust;
- unlawful conduct;
- attempts to cover up earlier problems;
- abuse or neglect of vulnerable people;
- dangers to the public;
- failure to deliver proper standards of service;
- damaging personal conflicts at senior level;
- bullying, harassment or victimisation in the work place.

### **When is whistleblowing not appropriate?**

Whistleblowing procedures should not be used where existing procedures are more appropriate, or where there is no need for special confidentiality. Most

organisations will have mechanisms for dealing with disciplinary matters, staff grievances or complaints relating to equal opportunities, bullying or harassment.

Nor should whistleblowing be used as a way of protesting against an organisation's legitimate activities or policies of which someone happens to disapprove.

Whistleblowing should be seen as a last resort where other mechanisms do not, or could not, work. Generally, it will be clear that there is a public interest dimension to genuine whistleblowing. This Whistleblowing policy is primarily for concerns where the interests of others or the organisation itself are at risk.

### **Why is there a need for guidance?**

The UK Public Interest Disclosures Act provides protection for employees who disclose information that might otherwise be regarded as confidential. When an employee wishes to make a protected disclosure they must act in good faith and reasonably believe that:

- a criminal offence has been, is being, or is about to be committed;
- the employer is failing to comply with their legal obligations;
- a miscarriage of justice has happened or is likely to happen;
- an individual's health and safety is being jeopardised;
- the environment is, or is likely to be damaged;
- information falling into any one of the above categories which has been, is being, or is likely to be deliberately concealed.

The provisions protect employees from being subjected to a detriment. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities.

### **Why does whistleblowing matter?**

In almost all cases of serious problems, organisations would have been better off with full information at an early stage. When problems go undetected, they tend to get worse and lead on to worse problems, cover-ups and so on. However inconvenient or embarrassing revelations may be at the time they appear, the earlier they are detected, the easier it is to deal with the situation.

Employees are usually the first to know when something is going seriously wrong – be it a serious danger to the public or a major fraud. If there is a culture of 'turning a blind eye', or discouraging 'sneaks', this means that the alarm is not sounded on such malpractice, or that it may be leaked anonymously. The result is that management does not get the chance to take action before real damage is done.

## **Why have policies?**

There is a growing realisation that, in the absence of safe and sensible procedures, whistleblowing can easily have damaging consequences, both for the individual concerned and the organisation. An effective whistleblowing policy will ensure that serious concerns are properly raised and addressed in the workplace. Such policies are increasingly recognised as a key tool to deliver good practice. An effective whistleblowing policy will help to:

- demonstrate a culture of openness and accountability.
- encourage the continuing delivery of quality services.
- deter fraud, malpractice and misconduct
- help staff play their part and feel valued
- identify and resolve damaging personal conflicts among staff
- avoid public criticism and the need for crisis management
- reassure employees with concerns that they will not be victimised for expressing them.

## **Will it remain anonymous?**

Northwards will do everything possible to protect an employee's identity when a concern is raised, and where the individual does not want their name disclosed.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement or evidence may be required as part of the evidence.

Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. Anonymous allegations may be considered at the discretion of the responsible Director when considering:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources.

While encouraging employees to bring forward matters of concern, Northwards must guard against 'bogus' claims and also claims made to deliberately damage the reputation of other employees and our organisation.

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if an employee makes false, malicious or vexatious allegations, this will be treated as a serious disciplinary offence and disciplinary action may be taken. The Public Interest and Disclosure Act only offer protection to the individual if the disclosure is made in good faith.

## **How do I raise a concern?**

In most cases, you should be able to raise any concerns with your Line Manager. However, much depends on the seriousness and sensitivity of the issues involved and who it is that is thought to be involved in the malpractice.

If for some reason this is not possible, you should speak to another Manager or Director or to the Chief Executive. If necessary, you should speak to the Chief Executive, a Manager or Director directly, and ask for a confidential meeting. All such contacts will be treated in confidence.

If our policy and procedures are working properly, you should not need to contact one of Northwards' Board Members, or some external agency, to express concerns. But there may be exceptional or urgent circumstances where it might be best to contact an external agency. It is not possible to give precise examples, but, for instance, relevant situations might be:

- If the problem involved very senior staff of the organisation, the Chair or another Board Member.
- In the case of a criminal offence, the police
- In the case of abuse of vulnerable people in a residential home, the local authority social services registration officer
- In the case of any fraud, Northwards' External Auditors, RSM Robson Rhodes LLP and/or the Internal Auditors, KPMG LLP.

We hope none of these will ever be necessary.

The person to whom the disclosure is made will decide whether the matter should be dealt with under this procedure. If they consider that the matter should be dealt with under a different procedure, (for example grievance or bullying and harassment procedures,) they will advise the person making the disclosure and provide guidance on the appropriate steps to be taken.

Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible. A reason into why the employee is particularly concerned about the situation is encouraged.

If an employee does not feel able to put the concern in writing, he or she should be allowed to telephone or meet the appropriate officer. If an employee decides to meet an appropriate officer, he or she will need to demonstrate to the person contacted that there is sufficient grounds for a concern to be raised and to enable the matter to be taken forward.

## **How will the matter be investigated?**

Allegations should be handled confidentially and discreetly by those Managers who are directly involved in the investigating process.

If you come to us with a concern, we will look into it carefully and thoroughly. We have to be fair to you, but also to any others involved. If someone is potentially being accused of misconduct we have to find out their side of the story as well. In our investigation, we will respect any concerns you have expressed about your own safety or career.

If you request it, we will try to let you know the results of our investigation and about any action that is proposed. However, in doing this, we have to respect the confidentiality of other employees as well.

If you have abused the confidential reporting process, (for instance by maliciously raising unfounded allegations,) we will treat this as a disciplinary matter. But no-one who comes forward in good faith has anything to fear.

Some allegations will be investigated internally but others may be referred to external parties or by the subject of an independent enquiry, depending on the nature of the matter raised. If considered appropriate the matter may be referred to the Police.

Some concerns may be resolved by agreed action, once the employees concerns have been explained, without the need for investigation. In these cases, confirmation should be sought from the employees that they are satisfied that the matter is resolved, but they should be invited to raise the matter again if the agreed actions do not resolve the problem.

Any investigation will be conducted as sensitively and as speedily as possible. The employee will be notified of the intended timetable for the investigation. An employee expressing a concern should receive a formal acknowledgement with ten working days of the concern being received. The acknowledgement will indicate:

- how the Line Manager or Director proposes to deal with the matter;
- an estimate of how long it will take to provide a response;
- any initial enquiries which may have been made;
- whether further investigations will take place, and if not, why not.

If necessary, further information will be sought from the employee. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.

At any meeting arranged to discuss an employee's concerns, the employee has the right, if they so wish, to be accompanied by their Trade Union representative or a friend who is not involved in the area to which the concern relates.

The person to whom the disclosure is made will make a report of the disclosure and subsequent actions taken. This record should be signed and dated by the person making the disclosure and the person to whom the disclosure was made. Where appropriate, the formal record need not identify the person making the disclosure, but in such a case that person will be required to sign a document confirming that the complaint has been investigated.