



Whistle-Blowing Policy

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Introduction

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly, and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. This procedure encourages staff to raise serious concerns, without fear of reprisal or victimisation, internally within the Trust.

Whistleblowing is when an employee raises concerns about the activities of the organisation they work for which are ethically or legally questionable. This policy sets out the process for raising concerns about wrongdoing.

Employees are often the first to realise that something seriously wrong may be happening within an organisation. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the organisation or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisal and is intended to encourage and enable staff to raise serious concerns within the Trust.

The policy applies to all employees (including those designated as casual hours, temporary, agency, authorised volunteers or work experience), and those contractors working for the Trust on Trust premises.

Aims and Scope of This Policy

This policy aims to:

- provide for a culture of zero tolerance towards fraud, corruption and wrongdoing;
- provide avenues for employees to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Trust response;
- to reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

This policy covers concerns that fall outside the scope of other procedures. It is not an alternative to well established disciplinary or grievance procedures. It may however overlap

with other Trust policies for dealing with complaints, and with protocols for good working relationships within the Trust.

Types of Concern

Concerns raised under this Whistle-blowing Policy should be about something that is, or may be;

- unlawful or a criminal offence
- a breach of a legal obligation
- a miscarriage of justice
- mistreatment or abuse of a service user or a member of the public for whom the Trust has a responsibility
- in disregard of legislation governing health and safety at work
- seeking undue favour over a contractual matter or a job application
- against the Trust or Financial Regulations
- fraud and corruption
- amounts to improper conduct or unauthorised use of public funds
- has led to or could lead to damage to the environment
- a deliberate cover up of information tending to show any of the above
- other unethical conduct.

Safeguards

Harassment or Victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.

The Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.

Confidentiality

All concerns will be treated in confidence and the Trust will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement

then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

This policy encourages you however to put your name to your concern wherever possible. Please note that:

Staff must

- disclose in good faith
- believe it to be substantially true
- not act maliciously or make false allegation
- not seek personal gain.

Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Trust against the following criteria:

- the seriousness of the issues raised
- the likelihood of confirming the allegation from attributable sources
- the Trust's best interests
- the protection of Trust assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback.

Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

How to Raise a Concern

Staff should in the first instance raise a concern with their line manager. However, if for some reason this first step is inappropriate then the concern should be raised at a senior managerial level or with the Principal. In some circumstances the concerns can be raised directly with the Trust Board.

Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written

allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation.

It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down a copy will be sent to your home address or via your representative to give you an opportunity to agree this as a true record.

The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

Employees may wish to invite their Trade Union representative to raise a matter on their behalf or attend meetings to discuss concerns raised.

How the Trust Will Respond

The action taken by the Trust will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) or referred to another agency.

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

In any event within ten working days of a concern being received, the Trust will write to you at your home address

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place, and if not, why not and
- naming an independent person to support you during any investigation, e.g. your trade union official.

This named person will make contact with you immediately, explain his/her role, agree frequency of contact and keep you informed about the progress of the investigation and the investigating officer(s) informed of any further issues you think are necessary. You should raise with this support officer any concerns you have about the conduct of the investigation.

This officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may result from your concern and at which you are asked to give evidence.

If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.

The amount of contact between investigating officers and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend (who need not be associated with the Trust).

The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

Detriment

The Trust is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

How the Matter can be Taken Further

This policy is intended to provide employees with a way to raise concerns within the Trust. If an employee is not satisfied with the Trust's response to their concerns and wish to take the matter further, they may make a protected disclosure to a third party in accordance with the Public Interest Disclosure Act.

The Responsible Officer

The Principal has overall responsibility for the maintenance and operation of this policy. Within his/her duty to ensure that the Trust acts lawfully, he/she will maintain a record of all concerns raised under this policy and the outcomes of any investigations.