

Whistleblowing Policy

[Name of organisation] is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. *[Name of organisation]* encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which protects employees who raise concerns about health and safety at work.

When to use this policy

The word "whistleblowing" in this policy refers to the disclosure of malpractice, illegal acts or omissions at work, whether internally or externally, by employees. Employees are encouraged to use this policy when a matter arises which is, or may be:

- malpractice or ill-treatment of a service user by a member of staff
- commission of a criminal offence
- suspected fraud
- disregard for legislation, particularly in relation to health and safety at work
- actual or likely damage to the environment
- breach of standing financial instructions
- showing undue favour over a contractual matter or to a job applicant
- information on any of the above has been, is being, or is likely to be concealed

This list is not exhaustive.

Procedure to be followed

In most circumstances, individuals should raise their concerns with *[name of person in organisation eg Chief Officer or Trustee]*.

If exceptionally the concern is about that person, concerns should be raised with the *[chairman of the board of Trustees]* who will decide on how the investigation will proceed. This may include an external investigation.

Where concerns are raised, the contacted person will arrange an initial interview to ascertain the area of concern which will, if requested, be confidential. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In either case, the contacted person will write a brief summary of the interview, which will be agreed by both parties.

The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill-treatment of service users, suspension from work may have to be considered immediately. Protection of service users is paramount in all cases.

The contacted person will offer to keep the whistleblower informed about the investigation and its outcome. If the result of the investigation is that there is a case to be answered by any employee, the disciplinary procedure will be used. Where there is no case to answer, but the whistleblower held a genuine concern and

was not acting maliciously, the contacted person should ensure that the whistleblower suffers no reprisals. Only where false allegations are made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the disciplinary procedure.

Following the investigation, the contacted person will arrange a meeting with the whistleblower to give feedback on any action taken. This will not include details of any disciplinary action, which will remain confidential to the individual concerned.

If the whistleblower is not satisfied with the outcome of the investigation, *[name of organisation]* recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons such as the Health and Safety Executive, the Audit Commission, or the utility regulators, or, where justified, elsewhere.

[Name of organisation] will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the disciplinary procedure.

[Name of organisation] recognises employees may wish to seek advice and be represented by their trade union or other appropriate advocate and acknowledges and endorses the role trade union officers play in this area.