

<b>Title:</b>	<b>WHISTLEBLOWING</b>
<b>Type:</b>	<b>POLICY</b>
<b>Group:</b>	<b>HR</b>
<b>For:</b>	<b>CHAILEY HERITAGE FOUNDATION</b>

<b>Lead:</b>	Fran Veal	<b>Role:</b>	HR Manager
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<b>Review Frequency:</b>	3 years
<b>Next Review Process to Start:</b>	Autumn 2020
<b>This document will remain valid during the review process</b>	

<b>LINKED DOCUMENTS:</b>
<p>Children's Homes Regulations and Quality Standards 2015  CQC Fundamental Standards  Safeguarding Policies  All Policies, Procedures, Guidelines, Protocols for Chailey Heritage Foundation</p>

<b>VERSION CONTROL:</b>			
<b>Date</b>	<b>Version No</b>	<b>New or reasons for revision</b>	<b>Agreed by</b>
Autumn 2014	1.0	Revised Policy	S & P and FGB Signed on originals
Autumn 2017	1.1	Reviewed and minor amendments made, eg job title and revised phone number.	HH

# WHISTLEBLOWING POLICY

## 1. INTRODUCTION

- 1.1 Whistleblowing is the popular term used when an employee, volunteer or other worker raises a concern about a possible fraud, crime, danger or other serious risk that could threaten our customers, colleagues, our young people, the public, or Chailey Heritage Foundation's (CHF) reputation.
- 1.2 As an early warning system, whistleblowing can help alert us to risks such as:
  - 1.2.1 neglect or mistreatment of people in care.
  - 1.2.2 issues relating to the quality of care provided.
  - 1.2.3 health and Safety in the workplace - including dangers to staff and visitors and non-compliance with legislation.
  - 1.2.4 poor management practice – including failure to observe agreed and established instructions, policies and procedures.
  - 1.2.5 financial malpractice - including fraud or corruption.
  - 1.2.6 offering, taking or soliciting bribes.
  - 1.2.7 mis-selling or price fixing.
  - 1.2.8 dumping damaging material in the environment.
  - 1.2.9 misreporting performance data.
  - 1.2.10 supplying food unfit for consumption.
  - 1.2.11 ignoring or covering up any wrong-doing.
- 1.3 CHF encourages all employees, volunteers, contractors and agency staff to raise issues of concern at work so that such practices may be remedied and prevented. By knowing about malpractice at an early stage we can take the necessary steps to safeguard the interests of all children, young people, customers, employees and volunteers.
- 1.4 This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. For the purposes of this policy the term 'worker' refers to all employees, volunteers, agency staff and any other workers engaged by CHF.

## 2. BACKGROUND

- 2.1 The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:
  - a) a criminal offence;
  - b) a miscarriage of justice;
  - c) an act creating risk to health and safety;
  - d) an act causing damage to the environment;
  - e) a breach of any other legal obligation; or
  - f) concealment of any of the above;
  - g) is being, has been, or is likely to be, committed.
- 2.2 It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

### **3. WHEN TO USE THIS PROCEDURE**

- 3.1 If you have a concern about malpractice, fraud, or other impropriety within CHF then you should use this procedure.
- 3.2 CHF does have separate Safeguarding policies and procedures in place to allow workers to raise concerns about the safety or welfare of a child or young person. Safeguarding, including child protection, is the process of protecting vulnerable individuals identified as either suffering, or likely to suffer, significant harm as a result of abuse or neglect. It involves measures and structures designed to prevent and respond to abuse and neglect. If you have concerns over any safeguarding issues, or if you want advice on procedures to do with safeguarding, please contact any of the members of staff shown on the safeguarding poster which can be found across the CHF site and on the G drive.
- 3.3 If you have concerns about a safeguarding issue which you do not feel you can report to CHF managers or the safeguarding team, you can contact: For children's services, East Sussex Single Point of Advice (SPOA) on 01323 464222 or out of hours, the Emergency Duty Service for East Sussex and Brighton and Hove: 01273 335905 or 01273 335906; and for adult services, the number is 0345 608 0191.
- 3.4 If your concern is about your own personal circumstances at work you should use the normal grievance procedure.
- 3.5 If you are not sure which procedure is applicable you should discuss your concern with the HR Manager who will be able to assist you.

### **4. PRINCIPLES**

- 4.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 4.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- 4.3 No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a concern.
- 4.4 Victimisation or bullying of a worker for raising a qualified disclosure will not be tolerated and will be considered a disciplinary offence.
- 4.5 If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- 4.6 Maliciously making a false allegation is a disciplinary offence.
- 4.7 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a senior manager, workers should not agree to remain silent. They should report the matter to an appropriate senior manager, the Director of HR, or the HR Manager.

## 5. THE PROCEDURE

- 5.1 **Stage one.** You are encouraged to raise any concerns with your line manager in the first instance. Concerns may be raised verbally or in writing (by either letter or email). However, if you believe your line manager to be involved, or for any reason you do not wish to approach your line manager, then you may raise the matter with their manager. Alternatively you may raise the matter with the Director of HR or the HR Manager.
- 5.1.1 An investigation into the matter will be carried out by an appropriate manager in conjunction with HR. The investigation may involve you and other individuals involved giving a written statement. The investigation will be carried out in accordance with the principles set out above and will be completed as promptly as possible.
- 5.1.2 The person who carried out the investigation will then report to their Director (or the Chief Executive if the investigator is already at Director level), who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.
- 5.1.3 On conclusion of any investigation, you will be told the outcome of the investigation and what the organisation has done, or proposes to do, about the wrongdoing. If no action is to be taken, the reason(s) for this will be explained to you.
- 5.2 **Stage two.** If you feel, that under Stage One of this procedure, a proper investigation has not been carried out or that the outcome has not been reported to the appropriate parties, or if the matter is so serious it should immediately be raised at a senior level, you should inform a senior manager.
- 5.2.1 This may be the Chief Executive, the Director of HR, the Director of Social Care, the Head of Residential Operations, the Headteacher, a Deputy Headteacher, the Finance Director, or the Estates Manager. He/she will arrange for the matter to be investigated (or to review the investigation already carried out), and make his/her own report to the Chief Executive.
- 5.3 **Stage three.** If on conclusion of steps 1 and 2 you reasonably believe that the appropriate action has not been taken by the senior members of the organisation, you should report the matter to the Chair of Governors who will arrange for an investigation in accordance with the principles of this policy.
- 5.3.1 It should be noted that the Chair of Governors is responsible for the reporting of any matters raised through this procedure to the Trustees.
- 5.4 **Stage four.** Should you still remain concerned at this point you may choose to report the matter to an appropriate external body. This may include:
- a) HM Revenue & Customs;
  - b) the Financial Conduct Authority (formerly the Financial Services Authority)
  - c) the Office of Fair Trading;
  - d) the Health and Safety Executive;
  - e) the Environment Agency;
  - f) the Director of Public Prosecutions;
  - g) the Serious Fraud Office;
  - h) the Care Quality Commission (CQC)
  - i) Ofsted
  - j) the Food Standards Agency;
  - k) the Charity Commission;
  - l) The Information Commissioner;
  - m) The Pensions Regulator.

## **6. CONFIDENTIALITY**

- 6.1 Whilst the organisation wishes to encourage a culture of openness, where workers feel safe and confident in raising concerns, it is understood that there may be circumstances in which a worker will only feel able to raise concerns confidentially.
- 6.2 Workers are therefore allowed to raise concerns, using any stage of the procedure outlined above, in confidence. This means that their name will not be revealed without their permission, unless required by law. Workers who do choose to raise concerns in confidence should be made aware that, even though their name will not be mentioned, the organisation cannot guarantee that others will not try to deduce (correctly or otherwise) their identity.
- 6.3 Anonymous reporting of concerns is not encouraged as it is very difficult for the organisation to carry out a full and proper investigation (for example, to seek clarification or more information) when reports are made anonymously. However, if anonymous concerns are raised, they will be investigated as far as is practicable in the circumstances.

## **7. FEEDBACK**

- 7.1 Any worker who raises a concern using the procedure outlined above will be given feedback on the results of any investigations carried out and actions taken to remedy or avoid the wrongdoing identified. The worker will be given as much information as possible without breaching the confidentiality of any other worker who may be involved.

## **8. SUPPORT AND INFORMATION**

- 8.1 It is recognised that raising a concern at work can be a difficult and stressful thing to do. Workers are encouraged to seek support from the HR department at any stage of the process.
- 8.2 Workers can also gain support from:
  - 8.2.1 their trade union representative
  - 8.2.2 Public Concern at Work (PCaW) at [www.pcaw.org.uk](http://www.pcaw.org.uk). Public Concern at Work (PCaW) is an independent charity that offers support to whistleblowers
  - 8.2.3 The Whistleblowing Helpline. A free-phone service (08000 724 725) providing advice and guidance for employees and organisations working within the social care sector.