

Whistleblowing at work Policy

Introduction

Whistleblowing occurs when a worker raises a concern about danger or illegality that affects others.

Policy statement

The Association is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and Staff.

This policy aims to ensure that Staff and Trustees are able to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

Other policies and procedures

The Association of Carers has a range of policies and procedures, which deal with standards of behaviour at work; they cover Discipline, Grievance, Recruitment and Selection. Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about a personal employment position and needs to be handled in a different way.

Examples may be:

- A criminal offence has been committed, is being committed or is likely to be committed
- Incorrect financial reporting
- Unlawful activity
- Suspected fraud
- Disregard for legislation, particularly in relation to health and safety at work
- The environment has been, or is likely to be, damaged

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- Breach of standing financial instructions
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct or policy or procedure.
- Information on any of the above has been, is being, or is likely to be concealed
- Mistreatment of carers, cared for or volunteers.

This list is not exhaustive.

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur. The Association of Carers 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 Policy. If the harassment or victimisation is committed by a trustee then this will be dealt with by the Chair of the Trustees, or another senior Trustee in the case of this being committed by the Chair of Trustees.

However if an individual knowingly or maliciously makes an untrue allegation (e.g. in order to cause disruption with the Association), the Association will take appropriate disciplinary action against them. It may constitute gross misconduct.

Volunteers and Service users should make complaints or raise concerns through the Complaints Procedure.

This policy does not deal with any complaints staff may have about their employment. This should be dealt with through the Association's Grievance Procedure.

Designated officer

The designated officer will be the Director of the Association of Carers.

Role of designated officer



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Where concerns are not raised with the line manager, the designated officer will be the point of contact for employees who wish to raise concerns under the provisions of this policy.

Where concerns are raised, the officer will arrange an initial interview, which will if requested be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether they wish their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. The whistleblower will also be asked whether or not they wish to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

Employees may wish to seek the assistance of their trade union representative before raising the concern. The trade union representative may, where the employee so desires, raise the concern on behalf of the employee. Employees may also invite a trade union representative or a colleague to be present during any meetings or interviews about the concerns they have raised.

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact:

- their trade union (if applicable), or
- the independent charity, Public Concern at Work's legal helpline on 020 7404 6609, email: helpline@pcaw.co.uk

Complaints about the most senior person in the Charity

If the concern is about the most senior person in the Charity this should be made to the Chair of the Trustee board, who will decide on how the investigation will proceed. This may include an external investigation.



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Where a complaint is made about a Trustee then the designated person should discuss this with the Chair of Trustees where the complaint is made about the Chair of Trustees then the designated person should speak to the Deputy Chair or another trustee such as Treasurer or Secretary.

How the Association will deal with the concern

How the concern will be dealt with, will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by the Associations Designated Officer, the Trustees, through the disciplinary process or it may be referred to the police, Adult social care, an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

The Association will give the individual feedback on the progress and outcome of any investigation wherever possible.

The investigation

If an individual raises a concern which they believe to be true, the Association will take appropriate action to protect the individual from any harassment, victimisation or bullying. Employees who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.

The matter will be treated confidentially if the individual requests it and their name or position will be not be revealed without their permission unless the Association has to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual's identity, the Designated Officer will discuss with the individual whether and how to proceed.

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Concerns raised anonymously tend to be far less effective but the Designated Officer will decide whether or not to consider the matter taking into account:

- the seriousness of the matter
- whether the concern is believable
- whether an investigation can be carried out based on the information provided.

The Designated Officer 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 individual, the Disciplinary Rules and Procedure will be used. (See disciplinary Policy)

Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee 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 Rules and Procedure.

Inquiries

If the concern raised is very serious or complex, an inquiry may be held.

Association of Carers recognises the contribution the trade union(s) can make to an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. Association of Carers recognises that in many cases it will be desirable that a trade union(s) representative will be appointed to the panel of the inquiry.

Following the investigation

The Designated Officer will then 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).

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If the whistleblower is not satisfied with the outcome of the investigation the Association of Carers 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.

If the suspicions are not confirmed by an investigation, the matter will be closed. Staff will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

The Law

This policy and procedure 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 also already protects employees who take action over, or raise concerns about, health and safety at work.

Reviewed	Dec 2015					
Signature						