

# Whistleblowing Policy

## Policy Data Sheet

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## 1. Aim

The Big Life group is committed to the highest possible standards of openness, probity and accountability. Our staff, partners and contractors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards.

The Big Life group recognises that staff, partners or contractors may on occasion have concerns and that it can be difficult for them to express these concerns about the actions of other members of staff. By reporting their concerns at an early stage, it could help put things right or identify and stop potential wrongdoing.

It is recognised that employees are often the first to realise that there may be something seriously wrong within a service. However, they may not express their concerns and it may be easier to ignore it, rather than report what may just be a suspicion of malpractice

The Big Life group want everyone to feel that it is safe to report concerns so that we can investigate and take action as soon as possible. We recognise that you may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (loss of job)
- too much to lose (reputation, damage to career etc.)
- feelings of disloyalty
- worries about who may be involved
- you have no proof only suspicions
- fear of repercussions if there is no evidence or you are proved wrong

It is important for individuals to feel safe and listened to when raising concerns. We promote an open approach to whistleblowing, value honesty when things go wrong and encourages employees to speak up about poor practice. We welcome all genuine concerns and will take issues seriously.

We want to assure staff, volunteers and contractors that there is no reason to remain silent. The decision to report a concern may be difficult but, if someone believes what they are saying is true, they have nothing to fear as they are helping to protect staff and service users. We will not tolerate any harassment or victimisation and we will take action to protect people you who raise concerns that they believe to be in the public interest.

The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace and it is not necessary for a concerned employee to alert anyone externally, unless they feel we have not responded appropriately. The law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator, once they have reported it internally and sought advice from the responsible officer.

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This policy aims to:

- encourage everyone to feel confident in raising concerns and to question and act upon concerns about practice
- provide avenues to raise those concerns and receive feedback on any action taken
- ensure people raising concerns receive a response and are made aware of how to pursue if they are not satisfied
- reassure people raising concerns that they will be protected from possible reprisals or victimisation, if they have a reasonable belief that they have made any disclosure in the public interest.

## 2. Scope

The Whistleblowing policy covers all Big Life employees, volunteers and contractors working on our premises for example, agency staff, builders, drivers, and partners. It also covers suppliers and those providing services under a contract.

The Whistleblowing policy is in addition to the Big Life group policies including: Comments and Complaints, Grievance and Disciplinary, Safeguarding. These should be used to complain about a service, lodge a grievance relating to employment and/or to raise a safeguarding concern. The whistleblowing policy is intended to cover major concerns that fall outside the scope of these policies and procedures, or where concerns have not been addressed through these policies.

You should only consider raising concerns through our Whistleblowing arrangements if:

- you have genuine reasons why you cannot use the other internal policies
- you have reason to believe that the internal policies are failing or not being properly applied
- there is a public interest aspect

If you are uncertain whether or not something is within the scope of this policy you should seek advice from your direct line manager or any of the advice lines stated in section 12 of this policy.

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### **3. Roles and Responsibilities**

#### **3.1 Employees**

The role of the Employee is to:

- Be fully aware of the Whistleblowing Policy and how it applies to you.

#### **3.2 Line Managers**

The role of the Manager/Supervisor is to:

- Ensure that the policy and procedure is accessible to all employees, contractors and volunteers
- Ensuring that staff and volunteers are supported to raise concerns at work.
- Ensure that the procedure is effectively implemented and complied with at all times,
- Protect anyone when raising any concerns under the Whistleblowing Policy

#### **3.3 Human Resources**

The role of Human Resources is to:

- Provide consistent advice to employees, line managers and supervisors in accordance with Whistleblowing Policy and legislation.
- Monitor use of the Whistleblowing Policy, collate feedback, amending the policy as required.

#### **3.4 The Responsible Officer**

The Chief Executive has overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcome (but in a form which does not compromise your confidentiality) and will report as necessary to the Board or Trustees, via the CSGB.

**Chief Executive contact details are available on STARS**

### **4. Definition**

The act of whistleblowing is when someone reports suspected wrongdoing in a workplace and “blows the whistle” about it. Officially this is known as “making a disclosure in the public interest”. This refers specifically to employees and is intended to protect individuals who make certain disclosures of information in the public interest, for example a serious risk that could threaten members of the public. This could also be about third party actions.

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Any serious concerns about any aspect of service provision or the conduct of employees of the Big Life group or others acting on its behalf can be reported under the Whistleblowing Policy. This may be about something that:

- is against the Big Life policies, or conduct which is a criminal offence or breach of law
- sexual, physical or verbal abuse of our service users, employees or public
- dangerous procedures risking the health and safety of our service users, employees or public
- unauthorised use of public funds
- suspected fraud or corruption
- damage to the environment (e.g. land, buildings)
- unethical or improper conduct
- services that fall seriously below approved standards of practice
- failure to follow The Big Life groups policies and procedures

This list is not exhaustive

Any concerns will be taken seriously and investigated as appropriate and confidentiality will be respected.

## 5. The legal position

The key piece of whistleblowing legislation is the Public Interest Disclosure Act (PIDA) 1988 which applies to almost all workers and employees who ordinarily work in Great Britain.

The PIDA covers situations in which an employee may be aware of criminal offences, risks to health and safety, failure to comply with a legal requirement, a miscarriage of justice and environmental damage, and the cover up of these.

It protects employees and workers who make a “protected disclosure” from being treated less favourably or being dismissed. Employees have to show that they reasonably believe that the disclosure they are making is in the public interest. A disclosure made honestly so that the concern can be addressed, will be protected if the Whistleblower has a reasonable belief that the malpractice has occurred, is occurring or is likely to occur.

The Whistleblowing policy is intended to encourage and enable employees to raise serious concerns within The Big Life group rather than overlooking a problem or 'blowing the whistle' outside. However, a disclosure would likely be protected if for example, a health and safety issue was disclosed to the Health and Safety Executive but not if the concern was disclosed to the media. For an external disclosure to be protected it must be in the public interest and, unless there is some legitimate reason, it should have been raised internally or to an appropriate body first.

## 6. Safeguards against harassment or victimisation

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The Big Life group is committed to good practice and high standards and recognises that the decision to report a concern can be difficult.

The Big Life group will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff or volunteers when they raise a concern. This protection will extend to situations where workers are bullied and harassed by co-workers.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## **7. Confidentiality**

A Whistleblower may feel that the only way that they can raise a concern is if we protect their identity. We will respect your confidentiality as far as we possibly can but there are times when we cannot guarantee this, for example, where a criminal offence is involved or there are child protection or adult safeguarding issues.

If we proceed to a formal investigation we may require Whistleblowers to give evidence along with other employees and witnesses; we are in some circumstances, able to do this without disclosing the identity of the Whistle-blower.

## **8. Anonymous allegations**

**Anonymous whistleblowing complaints can be received through the Big Life group website and other routes. All complaints will be considered and investigated where necessary.**

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. Anonymous whistleblowing referrals will be considered at the discretion of the officers investigating, in consultation with the service area, where appropriate. This discretion will be based on the:

- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from an attributable source
- evidence based

## **9. Untrue allegations**

It may be that our investigations do not confirm your allegation. We take all concerns seriously and no action will be taken against anyone who has raised a concern in the genuine belief that it is, or may be, true and it is not confirmed following our investigation

If we find that someone has maliciously made a false allegation we will take action and they will not be eligible for protection under The Public Interest Disclosure Act 1998

## **10. How to raise a concern**

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As a first step, concerns should be made to a manager/line manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the concern is with management, concerns should be raised to the relevant Divisional Director, Executive Director, or Chief Executive.

If you would like to raise your concern with someone more independent you can contact the Medical Director.

Concerns may be raised verbally or in writing. Written concerns should include:

- the background and history of the concern (giving relevant dates);
- copies of any documents believed to be relevant
- the reason why you are particularly concerned about the situation.

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

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

You can obtain advice/guidance on how to pursue matters of concern by telephoning HR. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

## **11. How the Big Life group will respond**

The Big Life group will respond to all concerns. The response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally by management, or through the disciplinary process
- referred to the police
- referred to an external auditor
- referred to the relevant safeguarding team (child protection or vulnerable adults)

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. If an investigation is required, the Chief Executive (in liaison with HR) will appoint an investigating officer. Concerns or allegations which fall within the scope of specific procedures (for example, child

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protection or discrimination issues) will normally be referred for consideration under those policies.

The Big Life group also promotes the duty of candour and will inform and explain to service users where relevant when things go wrong.

Within ten working days of a concern being raised, the person responsible for the investigation will write to:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- feedback about any initial enquiries have been made
- supply information on staff support
- outline whether further investigations will take place and if not, why not.

Whistleblowers can be accompanied by a union or professional association representative or work colleague to investigation meetings. People not employed by the group can bring a friend

The Big Life group will take steps to minimise any difficulties which Whistleblowers may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Big Life group will arrange for support and advice about the procedure.

Managers will aim to keep employees informed of the progress of the investigation and its likely timescale, however the need for confidentiality may prevent The Big Life group for giving employee's specific details of the investigation. We accept that employees need to be assured that the matter they have raised has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation. All employees should keep any information regarding an investigation confidential.

The investigating officer will complete the Whistleblowing Investigation Report at the end of the investigation process.

## **12. How the matter can be taken further**

This policy is intended to provide an avenue within the Big Life group to raise concerns. The Big Life group aims to satisfactorily respond to any concerns raised.

If you are not satisfied with the response, and if you feel it is right to take the matter outside the Big Life group, in the first instance it is recommended that you contact and seek advice from:

- Public Concern at Work (tel: 020 7404 6609), a registered charity whose services are free and strictly confidential.
- The Whistleblowing Helpline offers free confidential and independent advice about whistleblowing processes to people working in the NHS and adult

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social care. The helpline can be reached by telephoning 08000 724725, or visiting the website on [www.speakup.direct](http://www.speakup.direct)

The following are other possible contact points:

- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the police.

If you do take the matter outside The Big Life group, you should ensure that you do not disclose confidential information.

### **13. Recording and Monitoring**

Any whistleblowing investigation will be stored confidentially in the Personnel Folder on the IDrive.

The whistleblowing investigation report will be shared with HR and the Chief Executive and lessons will be shared with the whistleblower, the department/service they relate to, and the post to which the concerns related (if appropriate). The report will not include any employee names. The aim of this is to ensure that the Big Life group and/or the relevant department learns and does not repeat mistakes,.

Any whistleblowing investigation will be shared with the CSGB in order to maintain a register of whistleblowing complaints.

### **14. Associated Policies**

- Comments and Complaints Policy
- Grievance Policy
- Disciplinary Policy
- Safeguarding Policy
- Confidentiality Policy

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Appendix A – Whistleblowing Investigation Report

This form is to be completed when investigating employee disclosures made under the whistleblowing policy.

<b>Whistleblower name and contact details</b>	
<b>Date of disclosure</b>	
<b>Origin of disclosure</b>	In person, website, phone etc
<b>Investigating Officer:</b>	
<b>HR Support:</b>	
<b>Details of disclosure</b>	
<b>Account of alleged events/concerns disclosed:</b>	
<b>Witness interviews held (list and attach documents)</b>	
<p>Witness interview 1:  Name of witness.  Date of interview  Notes of interviews attached Yes/No</p> <p>Witness interview 2:  Name of witness.  Date of interview  Notes of interviews attached Yes/No</p>	
<b>Details of evidence reviewed</b>	
<b>Findings</b>	
<b>Conclusion (tick as appropriate)</b>	
Investigation finds no evidence to support disclosure: no further action to be taken	
Investigation finds evidence to support disclosure: formal action to be instigated	
Investigation finds no evidence to support disclosure, but makes recommendations for improvements: action plan attached	
<b>Additional comments/recommendations</b>	

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<b>Investigating officer signed:</b>	
<b>Date:</b>	
<b>Chief Executive signed:</b>	
<b>Date:</b>	
<b>HR support signed:</b>	
<b>Date:</b>	

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