

# WHISTLEBLOWING POLICY

*'Growing Together (GT) is a Registered Charity, and is the employer for the purposes of this policy. References in this policy to "the employer" should be taken in all instances to refer to GT'. Similarly all references made to 'Staff' are to be taken in all instances to refer to all paid employees of GT.*

## Making a Disclosure in the Public Interest

GT is committed to the highest standards of openness, honesty and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of GT to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that members of staff will faithfully serve his/her employer and not disclose confidential information about the employer's affairs. Where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation, then this information should be disclosed internally without fear of reprisal and there should be arrangements to enable this to be done independently of line management. However, in relatively minor instances the line manager would be the appropriate person to be told.

The Public Interest Disclosure Act which came into effect in 1999 gives legal protection to staff against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.

This policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by GT nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the Whistleblowing procedures are in place, it is reasonable to expect staff to use them rather than to air their complaints outside GT.

## Scope

This policy is designed to enable staff of GT to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least be investigated separately but might lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice, impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health and Safety
- Criminal activity
- Improper conduct or unethical behaviour
- Inappropriate behaviour putting children or service users at risk of harm
- Attempts to conceal any of these

## Safeguards

### Protection

This policy is designed to offer protection to those staff of GT who disclose such concerns, provided the disclosure is made:

- In good faith
- In the reasonable belief that the individual making the disclosure believes that malpractice or impropriety is to be or has taken place. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

## Confidentiality

GT will treat such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder any investigation. The investigation process may reveal the source of the information and the individual making the disclosure.

## Anonymous Allegations

This policy encourages individuals to put their name to any disclosures made. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of GT.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable source

## Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by a subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If an individual makes malicious or vexatious allegations and if they are persistent then disciplinary action may be taken against the individual.

## Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Trustee unless the complaint is against the Trustee or is in any way related to the actions of the Trustee. In such cases, the complaint should be passed to the Chair for referral.
  - In the case of a complaint, which is any way connected with but not against the Trustee, the Chair will nominate a Senior Manager to act as the alternative investigating officer.
  - Complaints against the Chair should be passed to any of the other Trustees who will nominate an appropriate investigating officer.
  - The complainant has the right to bypass the line management structure and take their complaint direct to the Chair. The Chair has the right to refer the complaint back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the complaint.

If there is evidence of criminal activity then the investigating officer should inform the police. The Charity will ensure that any internal investigation does not hinder a formal police investigation.

## Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

## Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
  - Consideration will be made to the nature of the concern. Any allegations relating to placing children or service users at risk of harm will be suspended during this investigatory period.
  - The investigating officer should consider the involvement of the Charity auditors and the Police at this stage and should consult with the Board of Trustees / Chair.
  - The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
  - A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Board of Trustees or Chair as appropriate.
    - The Board of Trustees / Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Charity procedures.
    - The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
    - If appropriate, a copy of the outcomes will be passed to the Charity Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Board of Trustees / Chair, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, GT recognises the lawful rights of staff and ex-members of staff to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

More information can be found

<http://www.northamptonshirescb.org.uk/health-professionals/taking-action/designated-officer/>

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Updated 25.03.22