

Whistleblowing Confidential Reporting Policy



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Consultation process	Corporate Management Team	Distribution and training	Synergy Workplace Board Members
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Confidential Reporting – Whistleblowing - Policy and Procedure

1. Introduction

This policy outlines what you should do if you suspect something happening at work is putting you or others in danger or is illegal or unethical regardless of whether you think its intentional or not.

It is designed to provide you assurance that you can raise concerns about such behaviour without fear of victimisation, subsequent discrimination, or disadvantage.

The policy applies to all Board members and employees. Other individuals performing functions in relation to the organisation, such as agency and casual relief workers, volunteers, and contractors, are also encouraged to use this policy.

2. What is 'Whistleblowing'?

We aim to maintain the highest standards of integrity in everything we do, but all organisations can occasionally be affected by conduct that is dangerous, against the law or breaches ethical or professional codes. Should you have such concerns we encourage you to report them immediately – this is called 'whistleblowing'. You can be assured that we will take your concerns seriously, they will be thoroughly investigated, and you can be confident there will be no reprisals. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you raised a legitimate concern.

The type of concerns you may want to raise with us by whistleblowing include:

- any activity you suspect is criminal*
- any activity you suspect puts health and safety at risk*
- any activity you suspect may damage the environment*
- any activity you suspect is a miscarriage of justice*
- any activity you suspect breaches our policy on bribery and corruption
- any failure or likelihood of failure to comply with legal* or regulatory obligation
- any failure to meet professional requirements
- any breaches of legislation or company policies
- any attempt to conceal one or more of these activities*.

There is no need for you to prove that the concern you are alleging has occurred or is likely to occur; a reasonable suspicion and genuine concern will suffice, speak to one of the prescribed people listed if you are not sure whether something you have become aware of is covered by this policy. We recognise that raising a whistleblowing concern can be daunting. However, we encourage you to report concerns internally as soon as possible where you suspect wrongdoing. We are here to listen and will take all concerns you raise seriously.

The policy encompasses the requirements set out in The Public Interest Disclosure Act 1998 (PIDA), which provides legal protection for whistleblowers if the wrongdoing they disclose is in the

public interest (i.e. it affects others, for example the general public). However, the protection depends on the number of people affected, the nature and impact of the wrongdoing and who the wrongdoer is. To be protected by whistleblowing laws against detrimental treatment or dismissal you must reasonably believe that wrongdoing (related to one of the categories listed above with an *) is being, has been, or is likely to be committed and that your disclosure is in the public interest. Under the Act, the whistleblower must be an employee, a trainee, an agency worker or a member of a Limited Liability Partnership and the whistleblow must be reported in sufficient detail to the employer or to a prescribed person or body.

If your concern relates to a personal grievance that is not in the public interest (for example an allegation of bullying or harassment, or an allegation that your contract of employment has been breached), you should speak to your line manager and/or the HR team in the first instance. You may also wish to refer to our Grievance procedure for further information.

These procedures are in addition to our Complaints procedure which can be used by customers in relation to services provided by CHS.

3. Stage 1 - Raising a Whistleblowing Concern

If you have a genuine concern relating to any type of wrongdoing that is covered under this policy, you should raise it with your immediate manager. If your concern relates to your line manager, or for any reason you do not wish to approach your line manager, you should send the form to a Director. Board members should raise concerns with the Board Chair, Chair of Audit and Risk Committee or Chief Executive. Who you speak to will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

You can raise your concern verbally or in writing. However, we recommend that you use our "Form to raise a whistleblowing concern" attached as appendix 1. It is important that you set out clearly:

- The details of the suspected wrongdoing
- The names of any individuals involved
- What action (if any) you are seeking.

In some cases, it may be necessary to ask you to attend a meeting to clarify the nature of your concern. This will be arranged as soon as possible. You may, if you wish, bring a colleague or a trade union representative with you to the meeting. Where it is considered appropriate, a member of the HR team may also be present. If you bring a companion, you must both agree to keep your disclosure confidential before and after the meeting and during any investigation that may follow.

4. Stage 2 – Responding to your Whistleblowing Concern

On receipt of a verbal or written whistleblowing concern, the recipient must notify the HR team, who will assess the information available and advise on next steps. Who they speak to within the HR team will depend on the seriousness of the complaint and individuals involved. This may

involve an informal review or a formal investigation and depending on the seriousness of the information available, a referral to appropriate external bodies such as the police, safeguarding, Care Quality Commission (CQC), Ofsted, Regulator of Social Housing.

If a formal investigation is required, then the HR team will ensure that the most appropriate person is asked to conduct the investigation and that the investigation is conducted in accordance with relevant policies and procedures. Where appropriate, the Director of Corporate Services may also notify the Board Chair, Chair of Audit and Risk Committee and Chair of the HRG Committee of the disclosure received and action being taken. The HR team will write to you to confirm that a formal investigation is being conducted and the expected timescale for completion. The investigatory process should be undertaken as quickly as possible without affecting the quality and depth of the investigation. If the investigation exceeds the estimated timescales, the investigator should keep you informed of progress and when it is likely to be concluded.

Where required, you may be asked to participate in a formal investigation meeting to discuss your concerns in more detail. You may if you wish, be accompanied at this and any subsequent meetings by a colleague or trade union representation. If you bring a companion, you must both agree to keep your disclosure confidential before and after the meeting and during any investigation that may follow.

The level of investigation and time this will take will vary depending on the nature and suspected wrongdoing. To investigate properly we may involve specialists with particular knowledge or experience of the issues you have raised.

Concerns or allegations that fall within the scope of specific policies (for example, child protection, fraud and corruption or money laundering) will normally be referred for consideration under those policies.

If, after full investigation, misconduct is established then the matter will be escalated to a disciplinary hearing. In some circumstances, it may also be appropriate at this stage to report the matter to the Board and/or other external body such as the police, safeguarding, CQC, Ofsted, Regulator of Social Housing.

Following an investigation, the relevant manager will inform you in writing, as quickly as possible, of the outcome and any next steps or action that will be taken. While we aim to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or there are sensitive issues that need to remain confidential. We understand that this may be frustrating and give you concerns about whether we have actually done anything and if this happens, we will do our best to explain why we are acting in the way we are.

Where appropriate, a copy of the investigation and disciplinary outcomes will be passed to the Auditors to enable a review of relevant procedures to be carried out and improvements identified.

Details of the allegation made by you will not be kept on your HR file, unless the allegations result in disciplinary action being taken against you for malicious or vexatious allegations where a complaint is unsubstantiated.

5. Confidentiality and Anonymity

We want you to feel comfortable about raising a whistleblowing concern openly and actively encourage you to do so.

Where you raise a whistleblowing concern openly, we will maintain your confidentiality as far as possible. If we need to identify your identity to anyone, we will notify you beforehand.

If you are considering expressing your whistleblowing concern anonymously, please reconsider, as such concerns are generally more difficult to substantiate. Also, if we don't know who has provided the information then it is not possible to reassure or support you. However, we would prefer you to report anonymously over remaining silent. An anonymous whistleblow can be made in writing to any of the following designated people:

- Kathy Batey, Director of Corporate Services, 07590048388 kathy.batey@chsgroup.org.uk
- Jonathan Birkert, Finance Director, 01223 713779, Jonathan.birkert@chsgroup.org.uk
- Chris Harris, Chief Executive, 01223 713560, Chris.harris@chsgroup.org.uk

If the matters concern a Director and/or Chief Executive, you can also contact:

- Martin Wheatley, Board Chair, martin.wheatley@chsgroup.org.uk
- Tim Jennings, Chair of Audit and Risk Committee, Tim.jennings@chsgroup.org.uk

6. Our commitment to you

You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have raised a whistleblowing concern.

If you raise a whistleblowing concern in accordance with this policy, we will ensure that you are treated with respect and are provided with adequate support and protection. You will be encouraged to use our EAP service to access professional support, counselling and advice where appropriate. We will continue to provide support when the process has concluded and ensure where necessary, mediation and dispute resolution services are utilised to help rebuild relationships in the workplace.

If you are told not to raise or pursue a whistleblowing concern, or you believe that you have been subjected to detrimental treatment because you have raised a whistleblowing concern, you should report the matter to the HR team or formally via our Grievance procedure.

Any such behaviour will not be tolerated and will be treated as a disciplinary offence.

Most concerns are raised in good faith, but occasionally someone may make a false allegation out of malice or because they believe they have something to gain. Anyone found doing this will face action under our disciplinary policy and may be disciplined for misconduct or even dismissed for gross misconduct.

7. Raising your whistleblowing concerns externally

We encourage you to raise your whistleblowing concerns internally in the first instance. If you would like some independent advice before making a whistleblow then you may wish to consider the following options:

- **Protect:** a whistleblowing charity that offers free, confidential advice to people who are unsure whether or how to raise a whistleblowing concern at work. www.protect-advice.org.uk or call 020 3117 2520.
- Government guidance online – www.gov.uk/whistleblowing.
- NHS whistleblowing helpline (available to social care staff). **Speakup.direct** helpline is free to call and will provide advice on how to raise concerns or advice on best practice in safeguarding – 08000 724 725.

If after making a whistleblow, you are not satisfied that your concern is being dealt with properly by the person who originally received the whistleblow or the investigating manager, then you should contact the Director of Corporate Services or Chief Executive or one of the designated persons listed above, setting out the grounds on which you are dissatisfied, so that the matter can be formally reviewed.

If you still feel that appropriate action has not been taken internally or you feel unable to raise your concerns internally, you can report the matter to the correct prescribed body or persons as listed on the government website (www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2). Prescribed persons are mainly regulators and professional bodies but include other persons and bodies such as MPs.

You should seek advice if you are thinking of raising your concern with the media as you will not have protection under whistleblowing laws unless certain conditions are met.

If you require this document in an alternative format such as large print, braille, or a translated version, please contact us on 0300 1113555 or email info@chsgroup.org.uk.

If you are viewing this document on our website, you can translate the content or listen to it by selecting the ReadSpeaker icon located next to the document title on our Policies page.

FORM FOR RAISING A WHISTLEBLOWING CONCERN

This form is intended for use by any individual working for CHS (including contractors, workers or volunteers) who wants to raise a concern about wrongdoing.

The form should be used to report wrongdoing within the organisation that you believe is in the public interest.

If your concern relates to a personal complaint that is not in the public interest (for example, an allegation of bullying and harassment, or that your contract of employment has been breached), you should raise it under the appropriate HR procedures. If you are unsure whether your concerns are best dealt with under the Whistleblowing policy or Grievance procedure please speak to a member of the HR team.

This form should be completed and delivered to your line manager via email or in an envelope marked "confidential". If your concern relates to your line manager, or for any reason you do not wish to approach your line manager, you should send the form to a Director.

Once you have submitted this form, we will invoke the procedure set out in our Whistleblowing policy. We will respect your wish for confidentiality as far as this is possible.

Formal whistleblowing concern

Name:

Job Title:

Department:

Date:

Summary of your concern:

Please set out your concern with as much detail as possible, including the date, time, location, the identities of those involved in the wrongdoing and details of any witnesses. You may attach additional sheets if required.

Nature of your concern:

Please specify if your concern is about a potential: criminal offence; failure to comply with a legal obligation, miscarriage of justice; risk to the health and safety of an individual; damage to the environment; or an attempt to cover up any of these.

Outcome requested

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in disciplinary action being taken against me by the organisation.

Signature:

Name:

For completion by receiving manager/Director

Date form received:

Name of recipient and job title:

Signature: