****

**Whistleblowing Policy**

**[Date of Issue]**

|  |  |
| --- | --- |
| Policy Lead: | [Policy Lead] |
| Version No. | 1 |
| Date of Issue: | [Date of Issue] |
| Date for Review: | [Date of Review] |

CONTENTS

[1. Introduction 3](#_Toc148000612)

[2. Policy Statement 3](#_Toc148000613)

[3. Scope 3](#_Toc148000614)

[4. Procedures 3](#_Toc148000615)

[5. Guidance for Managers 6](#_Toc148000616)

[6. Status of this Policy 7](#_Toc148000617)

[7. Monitoring 7](#_Toc148000618)

[8. Related Policies 8](#_Toc148000619)

[9. Legislation and Guidance 8](#_Toc148000620)

[10. Summary of Review 9](#_Toc148000621)

# Introduction

Whistleblowing is the term used when you report something you see or have found out about that you consider to be wrong. In most cases this can be reported to your line manager. If you cannot or do not wish to do this for any reason, then you should follow the procedure set out below.

# Policy Statement

[Company Name] is committed to ensuring an open culture with the highest standards of honesty and accountability. This policy is designed to allow staff to disclose information that they believe constitutes a wrongdoing, without being penalised in any way for doing so.

# Scope

This policy and the procedures apply to all directors, managers, staff, apprentices, workers and anyone else who has a contract to carry out work for us personally. It does not apply to genuinely self-employed contractors who run a profession or business on their own account.

# Procedures

[Company Name] recognises that raising concerns about wrongdoings can be one of the most difficult and challenging things to do in a work environment. Under this policy you may come forward with legitimate concerns without fear of being blamed or of any reprisal. You will not be disadvantaged for raising what you consider to be a legitimate concern.

**What wrongdoings should be raised**

If you genuinely believe that we, or any of our staff have taken, are intending to take or have failed to take action that you reasonably believe could lead or amount to:

* unsafe clients care
* inadequate training for staff
* lack of, or poor response, to a client’s safety incident
* a failure to comply with any legal obligations
* a criminal offence that has been, is being or is likely to be committed
* unauthorised or inappropriate disclosure, misuse or loss of confidential, personal and/or sensitive information
* a miscarriage of justice
* bribery or financial fraud
* risk or damage to the environment
* a danger to the health and safety of staff or others
* attempts to supress or hide information or evidence relating to a wrongdoing in any of the areas above.

The Public Interest Disclosure Act 1998 provides protection for workers who reasonably believe that they are acting in the public interest, where the concern (disclosure) is covered under one of the areas above. The concern can be about an incident that happened in the recent past, is happening now or that you believe is likely to happen in the near future. Concerns over issues that affect the worker personally or relate to employment conditions should be raised using the appropriate company procedure, likely to be either the Grievance Policy or the Bullying and Harassment Policy.

**Feel safe to raise your concern**

[Company Name] will not tolerate the harassment or victimisation of anyone who is honestly raising a concern. Victimisation of someone because they are speaking up would be a breach of our values and could result in disciplinary action. If you are raising a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. Provided you are acting honestly, it doesn’t matter if you turn out to be mistaken or if there is an innocent explanation for your concerns.

Remember that if you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it.

**Can I raise a concern anonymously?**

Anonymous reporting is discouraged as it may prevent us obtaining further information in relation to the concern raised and prevent a full investigation from taking place. You can make a protected disclosure where we will assure you of confidentiality unless we are required to disclose your identity by law.

**How to raise a concern**

If possible, you should raise your concern internally. This can be reported verbally or in writing to any manager, senior manager or director within the Company, if you feel unable to discuss the concern with your line manager. You should provide as much detail as possible, including anything you have witnessed, any evidence you have obtained and the dates and times of incidents occurring, as appropriate. If you attend a meeting, you can bring a companion with you, if you wish, for moral support.

If you really feel you are unable to raise your concern internally you may make a disclosure to a relevant regulatory authority. If you are considering reporting your concerns outside of [Company Name] you are strongly advised to seek legal advice for your own protection. Organisations such as Protect, an independent charity providing legal advice, can provide this. This information will be available publicly from the Company. The matter will be fully investigated with you, and with other people that you believe are involved with or connected to the suspected wrongdoing, by an appointed independent investigating officer who may be internal or external to the Company.

**What will happen next?**

The person you have raised the concern with will listen to you and consider the concern(s) you have raised and decide what, or if, further action is needed. You will be informed who else may need to be spoken to. Generally, the Registered Manager will need to be informed and they will consider any actions to be taken.

Where possible you will be kept informed about the actions which are proposed or are being taken. This may not always be possible where we are under a duty to protect the confidentiality of any other people that are involved.

If you do not feel your concern has been dealt with appropriately you may address any concerns you have about the way the matter has been dealt with or, if you disagree with the outcome, with the Managing Director.

By speaking up, you will help us to keep improving our services for clients, as well as the working environment for our staff. We will identify where improvements can be made and will track them to make sure changes are made and are working properly. Lessons will be shared with teams across the organisation, or more widely if appropriate.

**Giving you support**

It is understandable that staff may feel that they will be ‘singled out’ for making a disclosure that they believe to be in public interest. We will take every step to ensure that if you raise a legitimate concern, you will be protected and supported. We may take appropriate action against any person found to be:

* victimising another person for using this procedure (please tell a member of the management team if you think you have been victimised, or raise it formally under the grievance procedure if the matter is not remedied)
* deterring any person from reporting genuine concerns under this procedure. If you think you have been deterred, you can raise the matter formally under the grievance procedure (if the matter is not remedied).

If we find that people have done either of the above, we may take disciplinary action against them, which may result in their dismissal. If we find that you have made a disclosure of false or misleading information under this Policy maliciously, for personal gain, or otherwise in bad faith then our investigation may potentially result in us taking disciplinary action against you, which may lead to your dismissal.

**Additional Support**

If you need more support, you can contact the Protect advice line either online or via telephone. This is a charity which offers free expert advice to whistle-blowers. Contact information can be found here <https://protect-advice.org.uk/>

# Guidance for Managers

**[Delete if not appropriate – for larger organisations]**

The effective handling of concerns is an integral and important part of your role. Please familiarise yourself with [Company Name]’s policies and procedures outlined in this document. Your response at an early stage of a concern being raised could stop things escalating.

These points are intended to offer some helpful prompts:

* Always offer individuals a scheduled conversation in a private environment or, if they prefer, on the phone. Let them know they can bring someone with them for support if they want – a colleague, or union representative, for example.
* Thank the individual for raising the matter with you and commit to taking their concerns seriously. Recognise this may be a troubling time for them and offer reassurance.
* If the individual has requested confidentiality, this must be respected (unless disclosure is required by law). The same degree of confidentiality should be offered to other individuals implicated in issues being raised.
* Listen carefully to the issues being raised and decide whether or not they should be handled under this policy. Seek advice from HR if you are unsure whether the issue is better dealt with as, for example, a grievance, employment matter, or disagreement between individuals.
* Focus on the issues being raised: avoid jumping to conclusions or making any pre-judgments about the individual raising the concern. Even if you have some personal reservations about the individual, it doesn’t mean that the points they are raising on this occasion are invalid.
* Emphasise that it is [Company Name]‘s position to support and protect those who genuinely raise concerns, even if their issues prove to be mistaken. Give a clear indication of expected timescales and outline what further advice and support is available to them, or steps they can take if they still have concerns.
* Be clear about what the individual should do if he/she feels victimised or bullied by colleagues or peers as a direct result of them raising a concern, offering support and reassurance.
* Ensure you make clear notes of all discussions and retain them securely to maintain confidentiality.
* If the matter raised is relatively straightforward, act swiftly to resolve it and note any lessons for the future and for other parts of the business. Feedback to and thank the individual.
* If the issue requires investigation or referral to another team or part of the business, please alert the Registered Manager as soon as possible. You will be supported and advised on how to proceed.

# Status of this Policy

This policy does not give contractual rights to any member of staff. [Company Name] reserves the right to make amendments to or change the content of the policy at any time. Any changes will be communicated to all workers.

# Monitoring

Monitoring of incidents raised under this policy will be via a Whistleblowing Incident Log. This will be reviewed on a monthly basis.

# Related Policies

* Bullying and Harassment Policy
* Complaints Policy
* Confidentiality Policy
* Duty of Candour Policy
* Grievance Policy
* Safeguarding Policy

# Legislation and Guidance

**Relevant Legislation**

* Public Interest Disclosure Act 1998

**Guidance**

* From the Government website:
* [Whistleblowing: guidance and code of practice for employers - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers)
* [Whistleblowing for employees - GOV.UK (www.gov.uk)](https://www.gov.uk/whistleblowing)
* Protect
* [Protect (formerly Public Concern at Work) Speak up stop harm - Protect - Speak up stop harm (protect-advice.org.uk)](https://protect-advice.org.uk/homepage/)

# Summary of Review

|  |  |
| --- | --- |
| Version | 1 |
| Last amended | [Date of Issue] |
| Reason for Review |  |
| Were changes made? |  |
| Summary of changes |  |
| Target audience | Care staff, managers |
| Next Review Date | [Date of Review] |