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| Title of policy: | Whistleblowing Policy |
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| Author: | Chief Executive Officer |
| Owned by: | Chief Executive Officer |
| Approved by: | Board of Trustees |
| Date of next review: | June 2024 [3 years from approval] |

Related policies, procedures and guidance:

Complaints Procedure
Disciplinary Procedure

This is a discretionary policy, which does not form part of a contract of employment. The Board of Trustees of Carers in Bedfordshire may vary or amend the policy as it deems necessary.

The term staff is used in this document as a generic statement to refer to any person working for Carers in Bedfordshire in any capacity and includes volunteers, part time staff, Board members, sessional/ temporary workers and placement students.

Purpose of the policy

Carers in Bedfordshire is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of Carers in Bedfordshire to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs.

Nevertheless, 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 (although 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 employees against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. Carers in Bedfordshire has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that 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 Carers in Bedfordshire nor should it be used to reconsider any matters that have already been addressed or should be addressed under Harassment, Grievance, Disciplinary or other procedures. Carers in Bedfordshire expects staff to use the procedures contained within this policy rather than air their complaints outside Carers in Bedfordshire.

Policy statement

This policy is designed to enable employees of Carers in Bedfordshire to raise concerns internally and at a high level and to disclose information that the individual believes shows malpractice or impropriety. This policy is intended to cover concerns that are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include but not be limited to:

- Financial malpractice or impropriety or fraud
- Failure to comply with legal obligations
- Actions which endanger the health or safety of staff, carers, or others with whom the charity has a relationship
- Dangers to the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

Safeguards

This policy is designed to offer protection to those employees of Carers in Bedfordshire who disclose such concerns provided the disclosure is made:

- In good faith
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below) they will not be disadvantaged. 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.

Carers in Bedfordshire will treat all 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 or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

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

If an individual makes an allegation in good faith, which is not confirmed by 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, however, an individual is deemed to be making malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that 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 Lead unless the complaint is against the Lead or is in any way related to the actions of the Lead. In such cases, the complaint should be passed to the Chief Executive Officer.
- In the case of a complaint, which is any way connected with but not against the Lead, the Chief Executive Officer will nominate an alternative Lead to act as the alternative investigating officer.
- Complaints against the Chief Executive Officer should be passed to the Chair of 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 Chief Executive Officer. The Chief Executive Officer has the right to refer the complaint back to the Lead if he/she feels that the Lead 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. Carers in Bedfordshire 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:

- i. Full details and clarifications of the complaint should be obtained.
- ii. The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible.
- iii. The investigating officer should consider the involvement of Carers in Bedfordshire auditors and the Police at this stage and should consult with the Chair/ Finance and Central Services Lead /Chief Executive Officer.
- iv. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
- v. 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 CEO or Chair as appropriate.
- vi. The CEO or Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.
- vii. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- viii. If appropriate, a copy of the outcomes will be passed to Carers in Bedfordshire Auditors to enable a review of the procedures.
- ix. 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 Finance and Central Services Lead, Chief Executive Officer or Chair.
- x. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, Carers in Bedfordshire recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive or the Audit Commission, or the utility regulators), or, where justified, elsewhere.

The independent Whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are as follows.

Protect, speak up, stop harm

Helpline: (020) 3117 2520

E-mail: whistle@pcaw.co.uk

Website: <https://protect-advice.org.uk>