

WHISTLEBLOWING POLICY

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1 Introduction

1.1 Howgill Family Centre (Howgill) maintains the highest standards of excellence, working innovatively in the fields of social care and education to facilitate all children, young people and families to achieve their potential.

The aim of this policy is to ensure that Howgill will enable employees to raise concerns with confidence and comfort, both internally and at a high level, and to disclose information which the individual believes shows malpractice or impropriety.

1.2 This policy does not form part of any employees' contract of employment and may be amended from time to time.

1.3 The Board of Trustees is responsible for the policy and will conduct regular reviews to ensure that it is maintained, particularly in relation to its legal responsibilities, and amendments will be made as necessary. The Howgill Manager has responsibility for ensuring that the policy is implemented and that appropriate procedures are established to ensure compliance.

1.4 All employees have an obligation to familiarise themselves with this policy.

2 Principles and strategy

2.1 Whistleblowing or public interest disclosure is when a worker reports a concern about the improper actions or omissions of their colleagues or their employer, which may cause harm to others or to the organisation.

2.2 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 Howgill nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary, grievance or other procedures.

2.3 Howgill is committed to protecting and supporting the dignity, wellbeing, career and reputation of any individual reporting concerns of improper actions.

2.3 Howgill expects its employees to use the Whistleblowing policy rather than air their complaints outside the organisation, in accordance with the Confidentiality policy.

3 Scope of policy

3.1 This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead other procedures e.g. disciplinary.

These concerns could include:

- improper conduct or unethical behaviour
- financial malpractice or impropriety or fraud
- failure to comply with a legal obligation
- failure to comply with the organisation's policies on Safeguarding, Confidentiality, Data Protection and others relating to the rights of safety and privacy of all Howgill users
- dangers to Health & Safety or the environment
- criminal activity
- attempts to conceal any of these.

4 Safeguards

4.1 Howgill recognises that all employees may at one time or another have concerns about situations that arise in the course of their work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.

4.2 This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. Employees are encouraged to raise their concerns of such malpractice or risk, however insignificant they may seem, in accordance with the designated procedure to ensure that any issue is identified:

- at an early stage
- in the right way
- when it is just a concern rather than wait for proof.

4.3 This policy is designed to offer protection to those employees of the organisation 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
- to an appropriate person (see below).

4.4 The Whistleblowing policy is designed to mitigate worries about raising such issues, recognising that individuals may:

- want to keep the concerns to themselves, perhaps feeling it is none of their business or that it is only a suspicion
- feel that raising the matter would be disloyal to colleagues, managers or to the organisation
- may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

4.5 Howgill 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.

Howgill will not tolerate the harassment or victimisation of anyone raising a genuine concern (see Harassment Policy). However, any individual raising a concern in confidence under this policy may request their identity to be protected and this will not be disclosed without the individual's consent. If the situation arises where resolving the concern without revealing the individual's identity (for instance because their evidence is needed in court), it will be discussed with them whether and how to proceed.

4.6 All individuals will be encouraged 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 the Howgill Manager.

In exercising this discretion, the factors to be considered will include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

4.7 Provided the individual is acting in good faith, it does not matter if they are mistaken. Howgill does not extend this assurance to someone who maliciously raises a matter they know is untrue.

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 employee makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

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.

5 How we will handle the matter

5.1 On receipt of a concern raised under this policy, Howgill will initially assess what action should be taken. Acknowledgement of the concern raised, to include details of the proposed course of action and target dates for responding, will be made within 3 days of receipt.

Appropriate action may involve an internal inquiry or a more formal investigation.

The individual will be informed of:

- who is handling the matter, and how they can be contacted
- whether further assistance may be needed from them.

If requested, Howgill will confirm to the individual in writing a summary of the concern and setting out how it is proposed to handle the issue. Please note, however, that it may not be able to disclose the precise action to be taken where this would infringe a duty of confidence owed by Howgill to someone else.

5.2 The individual may be asked for their thoughts on how the matter might best be resolved. Any personal interest in the matter should be notified to Howgill at the outset.

If the concern falls more properly within the Grievance Procedure Howgill will advise accordingly.

5.3 The purpose of this policy is to enable Howgill to investigate possible malpractice and take appropriate steps to deal with it. Howgill will give as much feedback to the individual as is deemed appropriate.

6 How to raise a concern internally

6.1 Any concern about malpractice by an employee should be raised either by discussion with or in writing to:

- the individual's line manager
- or where the individual feels unable to raise the matter with their line manager for whatever reason, the Howgill Manager .

An appropriate designated investigating officer will be appointed, which may be the Howgill Manager a member of the management team or a Trustee.

6.2 If the individual considers the matter to be so serious that they cannot discuss it with either of the above, or that the action taken by either of the above is inappropriate or unsatisfactory, the issue of concern should be notified to the Chair of Board of Trustees. 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.

6.3 Any concern about malpractice by The Howgill Manager should be passed to the Chair of Trustees who will nominate an appropriate investigating officer.

6.4 Any concern about malpractice by a Trustee should be raised either by discussion with or in writing to the Howgill Manager.

6.5 Any matter to be raised in confidence must be notified at the time that the issue is raised so that appropriate arrangements can be made.

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

7 Independent advice

Independent advice on the nature of the concern or the use of the designated procedure, is available at any stage through:

- *if applicable*, the employee's union
- Public Concern at Work, an independent charity with lawyers who can provide free confidential advice at any stage about how to raise a concern about serious malpractice at work. For contact details see <http://www.pcaw.org.uk/contact-us> .
- Advice may also be sought from Howgill's HR Advisers (currently Burnetts).

Timescales

8.1 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.

8.2 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.

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

8 External contacts

9.1 This policy is intended to provide reassurance to any individual intending to raise such matters internally. Howgill recognises that there may be circumstances where it may be appropriate for the individual to properly report matters to outside bodies, such as regulators or the police. Public Concern at Work (or, if applicable, the appropriate union) will be able to advise on such an option and on the circumstances in which an outside body can be contacted safely.

9 Investigating Procedure

9.1 The investigating officer should ensure that any investigation will be conducted in a manner that is confidential, fair and objective, and will be responsible for:

- obtaining full details and clarifications of the complaint
- informing the individual against whom the complaint is made as soon as is practically possible, and advising them 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
- considering the involvement of the organisation's financial advisors and the police at this stage and consult, if appropriate, with the Chair and/or Howgill Manager
- ensuring that the allegations are fully investigated by the investigating officer with the assistance, where appropriate, of other individuals/bodies.
- making 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 Howgill Manager or Chair as appropriate.

9.2 The Howgill Manager and/or the Chair, or other appropriate designated person where the complaint is against The Howgill Manager or the 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.

9.3 The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome, subject to any privacy and confidentiality rights, unless the complaint has been raised anonymously.

9.4 If appropriate, a copy of the outcomes will be passed to the organisation's financial and/or legal advisors to enable a review of the procedures.

10 Resolving dissatisfaction with the outcome

10.1 Howgill cannot guarantee that it will respond to all matters in the way that an individual might wish, but will try to handle the matter fairly and properly.

10.2 If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with either the organisation's response or the outcome of the investigation, Howgill recognises the lawful rights of employees and ex-employees to make disclosures to external regulatory bodies (e.g., Health and Safety Executive, Information Commissioner's Office), or, where justified, elsewhere.