

Whistle Blowing Policy

Compass Disability Services

Units 11 – 12 Belvedere Trading Estate
Taunton, TA1 1BH

February 2014

Date for Review: January 2019

Introduction

Compass Disability Services is committed to developing a culture of openness, honesty and accountability. Consequently, it is fundamental that any concerns staff, volunteers and Trustees may have within the organisation are aired. It is clearly in all our interests to ensure that any malpractice does not occur. To this end this policy and related procedures have been created to cover the airing of genuine concerns within the organisation regarding malpractice or wrongdoing, without fear of victimisation for the whistle blower.

Scope

This policy applies to all employees and volunteers of Compass Disability Services wishing to raise a concern regarding malpractice or wrongdoing within the organisation; this includes permanent and short term employees as well as those on secondment, external consultants, contractors and agency staff whilst at Compass Disability Services. This policy is not a mechanism for employees or volunteers to raise private grievances about their personal work or volunteer situation; the Grievance Policy and Procedure is in place for that purpose. Should service users or members of the public have a concern about malpractice or a complaint, this should be pursued either through the complaints procedure or by alerting the police and or the Local Authority if someone is in danger or it is believed a crime has been committed.

Definition

Whistleblowing is defined as the disclosure by an individual to the public, or those in authority, of mismanagement, corruption, illegality, or some other form of wrong-doing in the workplace (Health and Care Professions Council).

A whistle blower usually also fears reprisals. There is legislation in place to protect employees including the Public Interest Disclosure Act 1998 (PIDA) and the Enterprise and Regulatory Reform Act 2013 (ERRA), whereby employers can be held liable for the harassment or victimisation of employee whistleblowers by their colleagues. Co-workers who victimise whistleblowers will also be personally liable, and may become parties to a claim along with the employer.

This policy and procedure is intended to conform to the guidance in PIDA and the ERRA.

Policy Statement

It is the duty of every staff member and volunteer to speak up about genuine concerns in relation to mismanagement, corruption, illegality, or some other form of wrong-doing. This includes (but is not confined to) criminal offences (including fraud), breaches of legal obligations (including negligence), miscarriages of justice, endangerment of the health and safety of any person or the environment, and the deliberate concealment of any malpractice. This applies whether the information is confidential or not.

Compass Disability Services believes it is important for these issues to be resolved internally, as far as possible, as a matter of best practice. An employee making the disclosure will be protected under PIDA if they have an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. Staff and volunteers who raise concerns reasonably and responsibly will be treated fairly and justly and will not be penalised in any way. Disciplinary action will be taken against anyone that has deliberately raised false and malicious allegations.

All efforts will be made to ensure that only those Compass Disability Services staff investigating the concern know the identity of the whistle blower. There may however be instances when it will become necessary to reveal the identity of the person raising the concern. The investigating staff will discuss this with the individual concerned before doing so and will take all reasonable steps to ensure that they suffer no detriment.

Guiding Principles

Compass Disability Services is committed to ensuring that any staff member or volunteer raising concerns of this nature will be taken seriously and the matter investigated. To ensure that this policy is adhered to, and to assure potential whistle blowers that concerns will be taken seriously, Compass Disability Services will:

- Not allow the person raising the concern to be victimised for doing so.
- Treat victimisation of whistle blowers as a serious matter that will lead to disciplinary action being taken, which may include dismissal.
- Never attempt to conceal evidence of poor or unacceptable behaviour or practice.

Date updated: 20/03/2014	By whom: Paula	4
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies\Policies in Force - Version Controlled\Whistleblowing Policy\Whistle Blowing Policy.doc		

- Take disciplinary action if an employee or volunteer destroys or conceals evidence of unacceptable practice or misconduct.
- Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistle blowing.

Independent Advice

Employees or volunteers who feel unsure about when or how to raise a concern and/or want confidential advice can contact the independent charity Public Concern at Work (PCAW) on 020 7404 6609 or email whistle@pcaw.org.uk. Their website (www.pcaw.co.uk) also provides a wealth of useful information.

Free information and advice can also be obtained from the Advice, Conciliation and Arbitration Service (ACAS): telephone 08457 47 47 47.

Policy Revision

This policy will be reviewed every five years and amended as necessary, or earlier in accordance with any forthcoming legislation. All employees and volunteers should pass suggestions or recommendations for the revision of any aspect of this policy through normal channels to the Chief Executive Officer.

Additional information:

- Grievance Policy
- Complaints Policy
- Bullying and Harassment Policy
- Safeguarding Vulnerable People Policy.

Date updated: 20/03/2014	By whom: Paula	4
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies\Policies in Force - Version Controlled\Whistleblowing Policy\Whistle Blowing Policy.doc		

Whistle Blowing Procedures

How to report a concern

1. If you have reasonable suspicions of malpractice or wrongdoing you should report your concerns wherever possible in writing or orally to your line manager. If you do not feel this is the appropriate person, you should directly approach the Chief Executive Officer (CEO). If you feel this is not appropriate you can approach the Chair of the Board of Trustees.
2. It is recognised that for some individuals, raising a concern under this procedure may be a daunting and a difficult experience; therefore you may choose to seek advice and support from PCAW or ACAS (details above) at any point during the process.
3. There may also be occasions where a disclosure is made anonymously and the information should be passed to the investigating officer.
4. Compass Disability Services is committed to investigating all incidents that are reported. The investigating officer will be the CEO supported by an appropriate senior manager or the Chair of Board of Trustees if the disclosure is in connection with the CEO. All reports will be dealt with in confidence, only staff and volunteers that need to know, will be informed.
5. The investigating officer will need to establish and record the basis of the concerns that have been raised. As the person raising the malpractice concern you may be accompanied at any fact-finding meeting(s) by a fellow employee of your choice. You may confer with this person during the meeting but they must not answer questions on your behalf.
6. You will be kept informed of the progress of the investigation and advised of the outcome of the investigation as soon as possible. The investigating officer will also communicate the findings of the investigation to the individual(s) under investigation and, if appropriate, external organisations who need to consider whether action should be taken on the basis of the findings.
7. If you are not satisfied with the outcome of the investigation and any subsequent action taken, you could seek advice from PCAW or ACAS.

Date updated: 20/03/2014	By whom: Paula	4
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies\Policies in Force - Version Controlled\Whistleblowing Policy\Whistle Blowing Policy.doc		

How to investigate a concern

1. Compass Disability Services' investigating officer will be the CEO or the Chair of Board of Trustees if the concern was in connection with the CEO.
2. The individual may raise the concern in writing, orally or anonymously either way the information should be passed to the investigating officer. If an employee or volunteer raises a concern orally, the line manager will take detailed notes, and then pass this information to the investigating officer.

The person hearing the concern is not required to adjudicate, but should:

- Remember there are two sides to every concern and make no comment at this stage as to the validity of the allegations.
 - Listen carefully to the concern, make full notes as appropriate.
 - Advise that the matter will be treated seriously and sensitively, that the information will be investigated and the outcome will be reported back as soon as possible.
3. The investigating officer will then organise a meeting, in order to try to find out the facts of the concern. This meeting will take place at the earliest available opportunity as a matter of urgency.
 4. The investigating officer will establish what further actions are required; the main objective will be to determine whether a malpractice has occurred and whether the matter should be dealt with by the police or internally. If the police are to be involved this should be done at the earliest possible opportunity.
 5. The length of time the investigation takes will depend upon the complexity of the concern being investigated; however, Compass Disability Services will aim to conclude the investigation within two weeks of the date of disclosure being made.
 6. The investigating officer will report the outcomes of the investigation back to the complainant. The outcome of any subsequent disciplinary proceedings will only be reported if, in doing so, any breaches of confidentiality are not made.

Date updated: 20/03/2014	By whom: Paula	4
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies\Policies in Force - Version Controlled\Whistleblowing Policy\Whistle Blowing Policy.doc		