

# Whistle Blowing Policy

## Compass Disability Services

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

March 2009

Date for Review: Feb 2014

### Introduction

Compass Disability Services is committed to developing a culture of openness, honesty and accountability. Consequently, it is fundamental that any concerns staff 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 procedure has 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 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 to raise private grievances about their personal employment 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 through the complaints procedure.

### Definition

Whistle blowing is a “disclosure by an employee (or professional) of confidential information which related to some danger, fraud, or other illegal or unethical conduct connected with the workplace, be it of the employer or his fellow employees” (Lord Borrie QC). A whistle blower usually also fears reprisals; however, the Public Interest Disclosure Act 1998 (PIDA) is in place to protect them. This policy and procedure is intended to conform to the guidance in PIDA.

### Policy Statement

It is the duty of every member of staff to speak up about genuine concerns in relation to malpractice. Malpractice includes (but is not confined to) criminal

Date updated: 03/03/2011	By whom: Paula Ingrey	Version number: 2
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies REVIEWED\Whistleblowing\WhistleBlowing Policy.doc		

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. The person 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 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 will know your identity. 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 you before doing so and will take all reasonable steps to ensure that you suffer no detriment.

## **Guiding Principles**

Compass Disability Services is committed to ensuring that any staff having 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
- Take disciplinary action if an employee 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 who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Public Concern at Work

Date updated: 03/03/2011	By whom: Paula Ingrey	Version number: 2
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies REVIEWED\Whistleblowing\WhistleBlowing Policy.doc		

(PCAW) on 020 7404 6609 or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their website ([www.pcaw.co.uk](http://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.

***Additional information:***

- Grievance Policy
- Complaints Policy

## **Whistle Blowing Procedures**

### **How to report a concern**

1. If you have reasonable suspicions of malpractice or wrongdoing you should report your concerns orally or in writing to your line manager. If you do not feel this is the appropriate person, you should directly approach the Chief Executive Officer. 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 difficult experience; therefore you may choose to seek advice and support from PCAW or ACAS (details above) at any point during the process.
3. Compass Disability Services is committed to investigating all incidents that are reported. All reports will be dealt with in confidence, only staff that need to know, will be informed, however the CEO will be informed of all reported disclosures and the actions being taken and to consider whether the incident is of serious enough a nature for the trustees to be informed.
4. 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.
5. You will be 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.
6. 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: 03/03/2011	By whom: Paula Ingrey	Version number: 2
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies REVIEWED\Whistleblowing\WhistleBlowing 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. If an employee raises a concern orally, the person hearing the complaint will take detailed notes, which should not identify the employee, 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.

Alternatively the employee may wish to raise the concern in writing, either way the information should be passed to the investigating officer.

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 time.
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: 03/03/2011	By whom: Paula Ingrey	Version number: 2
Location: Z:\Compass Files\Strategic & Governance - Gov\Policies REVIEWED\Whistleblowing\WhistleBlowing Policy.doc		