



Whistleblowing Policy

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R Righini	New Policy	1	1 July 2005
R Righini	Policy review	2	7 Aug 2012
R Righini	Group policy audit July 2017	3	31/8/2017
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Equality Impact			
Statement	<p>We welcome feedback on this document and the way it operates. We are interested to know of any possible or actual adverse impact that may affect any groups in respect of any of the equalities act 2010 protected characteristics.</p> <p>The person responsible for equality impact assessment for this document is the Director of Equality and Diversity.</p>		
Screening	<p>This document has been screened by the Equality Team and the impact has been assessed as:</p> <p><input type="checkbox"/> Not applicable</p> <p><input type="checkbox"/> Low</p> <p><input type="checkbox"/> Medium</p> <p><input type="checkbox"/> High</p>		

1. Purpose

1.1. The purpose of this policy is to make all staff aware of the procedure for whistleblowing and to enable employees to raise serious concerns **within** the organisation rather than overlooking a problem or 'blowing the whistle' outside.

This procedure tells you:

- 1.1.1. how to raise a concern
- 1.1.2. how you will be safeguarded when raising a concern
- 1.1.3. how the organisation will respond
- 1.1.4. what to do if you're still not satisfied

2. Scope of Policy

2.1. This policy applies to anybody who wishes to raise concerns about any practice in our organisation. Confidentiality is respected and will empower employees to raise concerns without fear of reprisal.

3. Reason for Review

3.1. This policy was reviewed as part of a Group policy audit in July 2017

4. Aim(s):

4.1. We aim for practices across the organisation to be carried out to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns.

5. Procedures and practice

5.1. Whistleblowing encourages and enables employees to raise serious concerns **within** the organisation rather than overlooking a problem or 'blowing the whistle' outside. The organisation respects confidentiality and will empower employees to raise concerns without fear of reprisal. We will:

- 5.1.1. encourage you to feel confident in raising concerns and to question and act upon concerns about practice.
- 5.1.2. provide avenues for you to raise concerns in confidence and receive feedback on any action taken.
- 5.1.3. ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- 5.1.4. reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

5.2. Other procedures exist to register a grievance about your employment.

Whistleblowing covers serious concerns you may have about :

- 5.2.1. conduct which is an offence or a breach of law
- 5.2.2. failure to comply with a legal obligation.
- 5.2.3. disclosures related to miscarriages of justice.

- 5.2.4. health and safety risks, including risks to the public as well as other employees.
 - 5.2.5. damage to the environment.
 - 5.2.6. the unauthorised use of public funds.
 - 5.2.7. possible fraud and corruption.
 - 5.2.8. sexual, physical or other abuse.
 - 5.2.9. other unethical conduct.
 - 5.2.10. actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.
- 5.3. Whistleblowing applies to all employees, (including those designated as casual hours, temporary, agency, authorised volunteers or work experience), and those contractors working for the organisation on our premises, for example, agency staff, builders or drivers and escorts etc. It also covers suppliers and those providing services under a contract with the organisation in their own premises, for example, Royal Oldham Hospital, MMU. This procedure also covers Members.
- 5.4. **The Responsible Officer**
The company secretary has delegated responsibility for the maintenance and operation of whistleblowing procedures on behalf of the company trustees and members. S/he maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Trustees and Members.
- 5.5. **How you raise a concern**
- 5.5.1. Advice and guidance on how matters of concern may be pursued can be obtained from any member of the Leadership Team.
 - 5.5.2. You should raise your concerns with your Head of Site. If your concern is about the Head of Site you should raise your concern with the CEO. If your concern is about the CEO you should raise your concern with the Chair of Trustees (CllrS.Williams@oldham.gov.uk). Alternatively you can contact Oldham Local Area Designated Officer Colette Morris on 0161 770 8870 or 07921 583 653 or the NSPCC Whistleblowing Advice Line on 0800 028 0285
 - 5.5.3. The final route is to invite your trade union or a professional association to raise the matter through the organisation's whistleblowing procedure on your behalf.
 - 5.5.4. You will not be expected to prove the wrongdoing, but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
 - 5.5.5. We prefer concerns to be raised in writing. You should set out the background and history of the concern, giving names, dates and places where possible and explain why you are particularly concerned. If you do not

feel able to put your concern in writing, you can telephone or meet the person you are reporting the concern to.

5.6. Safeguards

5.6.1. Though you may be the first to realise that something is seriously wrong at your place of work, you may not speak up because to do so would seem disloyal. You may fear harassment or victimisation. We understand and respect the decision to raise a concern is a difficult one. In that context the following safeguards are in place:

5.6.1.1. **Harassment or victimisation.** We will not tolerate harassment or victimisation by those involved with the matters which concern you, or from others. We will take action to protect you when you raise a concern in good faith. If you are already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of your whistleblowing.

5.6.1.2. **Anonymous allegations.** This procedure as a whole encourages you to put your name to your allegation. Clearly you will be unable to be told the outcome of any investigation of a concern which you brought forward anonymously. Although concerns expressed anonymously are much less powerful they will be considered taking into account:

5.6.1.2.1. the seriousness of the issues raised;

5.6.1.2.2. the credibility of the concern; and

5.6.1.2.3. the likelihood of confirming the allegation from other, attributable, sources.

5.6.1.3. **Confidentiality.** The organisation will do its best to protect your identity when you raise a concern and do not want your name to be disclosed, but you need to understand that the investigation process may ultimately need to reveal you as the source of information. On some occasions a statement by you may be required as part of the evidence.

5.6.1.4. **Untrue allegations.** If you make an allegation in good faith but it is not confirmed by the investigation no action will be taken against you. If, however, you make malicious allegations or repeated allegations which have no foundation, disciplinary action will be taken against you.

5.7. How the organisation will respond

5.7.1. The action taken by the organisation will depend on the nature of the concern. The matters raised may:

5.7.1.1. be investigated internally;

5.7.1.2. be referred to the police;

5.7.1.3. be referred to the external auditor;

5.7.1.4. form the subject of an independent inquiry.

5.7.2. To protect individuals and the organisation, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Most matters will, initially, be investigated internally. Concerns or allegations which fall within the scope of specific current procedures (for example, child protection or discrimination issues) will normally be dealt with through those routes.

- 5.7.3. Within ten working days of a concern being received, the organisation will write to you:
- 5.7.3.1. acknowledging that your concern has been received;
 - 5.7.3.2. indicating how it proposes to deal with the matter;
 - 5.7.3.3. giving an estimate of how long it will take to provide a final response;
 - 5.7.3.4. telling you whether any initial enquiries have been made; and
 - 5.7.3.5. telling you whether further investigations will take place and, if not, why not.
- 5.7.4. Some concerns may be resolved by immediate action without the need for an investigation.
- 5.7.5. The amount of contact between the people considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the amount and clarity of the information you provided. If necessary, further information will be sought from you.
- 5.7.6. When any meeting is arranged with you as a whistleblower you have the right to be accompanied by a union or professional association representative, or a colleague who is not involved in the area of work to which the concern relates.
- 5.7.7. The organisation will act as necessary to minimise any difficulties which you may experience as a result of raising a concern. For instance if, later, you are required to give evidence in criminal or disciplinary proceedings, the organisation will advise you about the procedure.
- 5.7.8. We accept that you need to be assured that the matter has been properly addressed so, subject to legal constraints, you will receive information about the outcomes of any investigations.
- 5.8. How the matter can be taken further
- 5.8.1. The organisation hopes its investigations, and the actions arising from them, will satisfy you. If not, and you feel it is right to take the matter outside the organisation, the following are possible contact points:
- 5.8.1.1. the external auditor (UHY Hacker Young, St James Building, 79 Oxford Street, Manchester)
 - 5.8.1.2. relevant professional bodies or regulatory organisations;
 - 5.8.1.3. your solicitor;
 - 5.8.1.4. the police
 - 5.8.1.5. the DfE.
- 5.8.2. If you do feel it necessary to take a matter outside then you must ensure that you do not disclose confidential information and that our Data Protection policy is strictly adhered to. The law on disclosure is complex and you should ensure you take relevant advice before proceeding.

6. Sources and references

The Key

www.gov.uk/whistleblowing

7. Other useful documents

Data Protection Policy

Staff Code of Conduct

8. Monitoring

This policy will be monitored through the MAT's accountability framework.