

Glebe House



Friends Therapeutic Community Trust

Whistleblowing POLICY

September 2021

WHISTLEBLOWING POLICY

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for Staff who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. A qualifying disclosure is one made in good faith by a Staff member who has reasonable belief that a wrongdoing has been, or is likely to be, committed. It is not necessary for the Staff member to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. The Staff member has no responsibility for investigating the matter – it is the organisation’s responsibility to ensure that an investigation takes place.

A member of Staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

In accordance with the Public Interest Disclosure Act 1998, the Trust has instituted a system for reporting information which a member of Staff may reasonably believe points to a wrongdoing at work.

A wrongdoing is any of the following “qualifying disclosures”:

- A criminal offence has been or is likely to be committed.
- A person has failed, is failing or is likely to fail to comply with a legal obligation.
- A miscarriage of justice has happened, is happening or is likely to happen.
- The health and safety of an individual has been, is being or is likely to be damaged.
- Damage to the environment has occurred, is occurring or is likely to occur.
- Information showing any of the above has been, is being, or is likely to be deliberately concealed.

The Trust wishes to ensure that any such wrongdoings are reported and dealt with. If you become aware of a wrongdoing at work then please follow the procedure below immediately. If you believe that the Trust’s managers may be involved in the wrongdoing, please approach the Trustees directly.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the member of Staff who raised the issue.
- No member of Staff will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the member of Staff will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the Trust’s disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, Staff should not agree to remain silent. They should report the matter to a member of the SMT.

Procedure

This procedure is for disclosures about matters other than a breach of a member of Staff's own contract of employment. If a member of Staff is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Trust's grievance procedure.

If you become aware of a wrongdoing, raise your concerns immediately with your Line Manager. Your Line Manager will carry out a prompt and thorough investigation of the matter and report his/her findings to a member of the SMT.

If for any other reason you do not wish to approach your Line Manager you should also in the first instance contact a member of the SMT. Any approach to a member of the SMT will be treated in the strictest confidence and your identity will not be disclosed without your prior consent.

The member of the SMT will take any necessary action including, if appropriate, reporting the matter to the relevant external authority. Where, as a result of the disclosure, it is necessary to take disciplinary action against an employee, this will be done in accordance with the Trust's formal discipline procedure. Your Line Manager will inform you of the outcome of the investigation and any actions taken as a result.

The Line Manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The member of Staff's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The Line Manager (or the person who carried out the investigation) will then report to a member of the SMT, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the Line Manager (or the person who carried out the investigation) will report the matter to a member of the SMT and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation. If no action is to be taken, the reason for this will be explained.

If you are concerned that your disclosure has not been dealt with properly, or that your Line Manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to a member of the SMT you should raise your concerns directly with a member of the SMT.

If on conclusion you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive; and
- The Environment Agency

Victimisation

The Trust will not tolerate the victimisation of any person who discloses a wrongdoing under this procedure. Any such victimisation will be treated as a disciplinary offence.

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