

# Whistleblowing/Disclosure of Public Interest Policy and Procedure

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Document Owner: Human Resource Department

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<b>Date last reviewed:</b>	<b>28/05/2024</b>	
<b>Due date for next review:</b>	<b>31/05/2026</b>	
<b>Policy consultation with:</b>	<b>Staff group via Workplace and email</b>	
<b>Legal Requirements:</b>		
<b>CQC:</b>	<b>KLOE-Safe Practice</b>	
<b>Other:</b>		
<b>Related Policies:</b>	<b>Equal and Diversity Strategy</b>	
	<b>Code of Conduct</b>	
	<b>Adults and children Safeguarding Policy &amp; Procedures</b>	
<b>Scope: This Policy and the accompanying Procedure will be applied irrespective of; the race, gender, marital status, disability, sexuality, religious belief, age, pregnancy or Maternity leave of the employee concerned. This policy covers both fixed and flexi staff.</b>		
<b>Policy Equality Impact Assessed</b>		

Version number	Amendments	Reviewed by	Date

This information can be made available in alternative formats, such as easy read or large print. Please contact 0208 980 7101 or email [info@outward.org.uk](mailto:info@outward.org.uk).

## 1. Introduction

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Whistleblowing is reporting suspected wrongdoing at work. Officially, this is called ‘making a disclosure in the public interest’.

### 1.1 Reporting Concerns

You can report things that are wrong, illegal, or if anyone at Outward is failing to uphold their responsibilities, including if they are

- Putting someone’s health and safety is in danger
- Damaging the environment
- Committing A criminal offence
- Abusing a vulnerable person
- Misuse funds
- You can report things that are wrong, illegal, or if anyone at Outward is failing to uphold their responsibilities, including if:
  - The Organisation is not obeying the law (such as not having the right insurance)
  - Covering up wrongdoing

In such circumstances, you may need to disclose information outside of the internal complaints process, and you would do that through this policy and procedure.

1.2 We understand it can be difficult to raise concerns, especially if they're serious or involve colleagues. You might worry about speaking up or raising a false alarm. Our

policy is here to assure you that you can safely raise issues, and we encourage you to do so early rather than wait

- 1.3 This policy and procedure applies to everyone who works with us, whether this is full time, part time or as a volunteer or agency worker. It reflects our commitment to promoting the best interests of the people we support.
- 1.4 This policy does not cover grievances or private disputes between employees, or between employees and Outward. You should deal with complaints or concerns of this nature using Outwards Grievance procedure. This policy also does not cover general employment rights such as redundancies and changes to contracts.

## 2. Policy Statement

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- 2.1 Outward is committed to an open and honest work environment. We take accountability for our actions and treat wrongdoing seriously. To achieve this, we need you to feel comfortable reporting any legitimate concerns confidentially, knowing you'll be supported.
- 2.2 Therefore, should you wish to come forward on your own or with another colleague, a friend, staff committee or Trade Union representative to report your concerns, Outward will support and protect you (along with other Outward colleagues who come forward as part of the disclosure) from acts of victimisation or reprisal.
  - *Victimisation is the less favourable treatment of someone compared to their peers because they, in good faith, have complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.*
  - *Reprisal is the act of retaliation for perceived damage or injury with the intent of inflicting at least as much injury in return.*
- 2.3 When you come forward to make a disclosure through whistleblowing, you can be confident that this will not affect your employment at Outward, or the enjoyment of your job. This applies equally should you come forward in good faith with a concern which turns out later not to have been justified so long as it was done in good faith.

You must not make a disclosure for personal gain. Any deliberately false or malicious allegation(s) will be regarded as a serious case of misconduct which could result in disciplinary action, including summary dismissal
- 2.4 Furthermore, if you ask us not to disclose your identity when you make a disclosure through whistleblowing, Outward will respect this and will not share your details without your agreement, unless required by law or the circumstances of what is disclosed?.
- 2.5 It is a disciplinary offence for anyone to try and stop or discourage a member of staff from coming forward to express a serious concern.

2.6 If you are unsure about raising a concern you can get independent and confidential advice at any stage by contacting 'Protect,' an independent charity dedicated to supporting people to raise whistleblowing concerns at work. They can be contacted on 020 3117 2520 <https://protect-advice.org.uk/contact-protect-advice-line/>

### 3. Procedure

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3.1 Under the Public Interest Disclosure Act 1998 there are reasons given under which a Disclosure through Whistleblowing can be made. For Outward, they would most likely be one of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed e.g.
  - Fraud involving the alteration of Outward funds for personal gain
  - False accounting, e.g. deliberate mis-statement of statutory financial statements
  - Theft or misuse of Outward's, tenants', service users' or other staff's cash or property
  - Malicious damage to Outward property
  - Deliberate actions which leave Outward liable to legal action
- A person has failed, is failing or is likely to fail to comply with a particular obligation e.g.
  - Corruption and/or collusion with contractors or other third parties to obtain personal financial or other gain.
  - Seeking or accepting payment of financial or any other bribes.
  - Falsifying performance data
  - Proper care of the People we Support (see safeguarding policy and procedure for more information)
  - Proper care of children and young people that we support (see Child Protection Policy and Procedure for more information)
- A miscarriage of justice has occurred, is occurring or is likely to occur e.g.
  - Tampering with evidence to attempt to pervert a court decision.
  - The health and safety of any individual has been, is being, or is likely to be endangered, for example through the coercion of staff, contractors or suppliers to carry out unsafe work practices.
  - The environment has been, is being or is likely to be damaged, for example through the unsafe disposal of toxic materials, e.g. arising from building works, renovations or other processes.

- In the event that information indicating the occurrence of any of the above has been, is being, or is likely to be deliberately concealed, this is also a valid reason to make a Disclosure through Whistleblowing.
- 3.2 If you suspect any of the above is taking place, in the first instance you should raise your concerns with your line manager. If for some reason this is not possible you should contact a Director of Outward. This can be done verbally or in writing but we ask that you are prepared to give us as much information as possible so that we are able to conduct a thorough investigation of your concerns. Local managers should notify a Director before undertaking their own investigation.
- 3.3 All concerns will be investigated carefully and thoroughly. When raising these concerns, you and anyone implicated by those concerns will be treated fairly and equitably. Once you have told us of your concerns, we may hold an informal review, an internal inquiry or a more formal review. We will tell you who will be handling the matter, how you can contact them and what further assistance we may need from you in order to complete the investigation. Depending on the nature of the issue reported, it may be necessary to involve external agencies, for example, the police.
- 3.4 Whenever possible, we will try and provide you with feedback on the outcome of any investigation. Please note that in certain situations we may not be able to disclose the precise actions we take where this would infringe a duty of confidence we owe to another person.
- 3.5 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle all matters fairly and properly. By using this policy, you will help us to achieve this.
- 3.6 Where an investigation leads to a reasonable and genuine belief of poor conduct, action will be taken under Outward's Disciplinary Policy and Procedure.
- 3.7 If it is not possible to raise a concern through the line management structure, then:
- If the problem involves very senior staff the Chief Executive or a Member of the Board should be contacted. (Details of current Board membership can be found on the Intranet under 'Our Board and Governance' and email addresses located in the global address list via Outlook). [Our Board - Outward](#)
  - In the case of a serious criminal offence the police should be contacted.
  - In the case of the abuse of people at risk the local authority, CQC should be contacted.
  - In the case of public funds, or failure to comply with a regulatory requirement, Social Services, or the Benefits Agency (as appropriate) should be contacted.

3.8 If after raising your concern internally, or if you feel that you cannot do so because you believe that you may be subject to victimisation, or that evidence will be destroyed or concealed, then you can also make a protected Disclosure through Whistleblowing to:

- A legal advisor
- A prescribed body, such as the Data Protection Registrar, the Environment Agency, the Health and Safety executive or Public Concern at Work
- An individual unconnected with the organisation
- And/or the local Safeguarding Authority

## 4. Protection from Victimisation

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- 4.1 Assuming that the requirements of this policy and procedure have been met, Outward undertakes to protect you from any personal claims and from any victimisation, harassment or bullying that may occur as a result of making a Disclosure through Whistleblowing.
- 4.2 Your career will not be harmed in any way as a result of having made a protected disclosure through whistleblowing (whether the item reported proves to be true or not, provided that the reporting was carried in reasonable belief).
- 4.3 Outward subscribes to an employee assistance help line run by Health Assured. Should you have personal issues relating to wellbeing, illness, managing money then Health Assured can offer expert advice, invaluable information specialist counselling and support. You can confidentially contact Health Assured 24 hours a day, 7 days a week, 365 days a year on 0800 030 5182 or via their website at [www.healthassuredeap.co.uk](http://www.healthassuredeap.co.uk).

## 5. Performance Monitoring

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- 5.1 The effectiveness and implementation of this policy will be monitored through the HR Department monitoring processes and reporting to the senior management team and the Board.
- 5.2 Adherence to policy will be monitored by the HR Department

## 6. References/Further Reading

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- Bullying and Harassment
- Grievance
- Equality and Diversity Strategy
- Code of Conduct
- ACAS Guidance
- [Contact our Advice Line - Protect - Speak up stop harm \(protect-advice.org.uk\)](http://protect-advice.org.uk)

## 7. Implementation of Policy

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7.1 We will publicise and implement this policy in the following ways:

- Ensuring that processes and policies are kept up to date.
- Briefing changes through existing communication channels for example, the Team Brief.

## 8. General Data Protection Regulations Statement

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Outward is committed to compliance with the General Data Protection Regulations and the Data Protection Act 2018. It requires all staff and partners to respect confidentiality and data subjects' rights in line with its policies and procedures.

To ensure compliance with the Regulations staff must ensure that any personal information produced or processed as part of these procedures is appropriately filed on SharePoint, Sona, Iplanit, the Outward server or other agreed Password-controlled filing system(s) with role-based access control.

Whilst processing paper documents, including those from third parties, these documents must be stored in secure lockable cabinets. Records will be kept for as long as they are needed to meet the operational needs of Outward, together with legal and regulatory requirements. Where there is a deviation from this principle, the reasons for this must be recorded.

A detailed breakdown of retention and deletion of records can be found in Outward's Record Management and Retention Policy.

When disposing of documents containing personal data this should be done via confidential waste.

Please refer to Outward's Data Protection Policy and Procedure for more information.