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## Whistleblowing Policy and Procedure



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### 1. Introduction

#### 1.1 Policy Statement

The Public Interest Disclosure Act 1998 provides workers with protection against dismissal or less favourable treatment if they reasonably report concerns in good faith. The Act is sometimes known as the Whistleblowers Act.

CareTrade is committed to achieving and maintaining high standards with regard to behaviour at work, service to the public and in all its working practices. Employees are expected to conduct themselves with integrity, impartiality and honesty. CareTrade seeks to develop a culture where inappropriate behaviour at all levels is challenged. To achieve this CareTrade encourages the reporting of genuine concerns about malpractice, illegal acts, and concerns over radicalisation or failures to comply with recognised standards of work without fear of reprisal or victimisation.

CareTrade has established a procedure by which staff and volunteers can raise issues that concern them at work and these can be acted upon. **If you raise concerns in good faith you will not suffer dismissal or detriment as a result. This Whistleblowing Policy is intended to complement statutory protection.** For the avoidance of doubt, your statutory rights will not be affected in any way by this policy. Our policy is accompanied by a procedure that should be followed when making a protected disclosure. Harassment or victimisation of a genuine whistleblower (including informal pressures) will not be tolerated and CareTrade will treat such conduct as gross misconduct, which if proven, may result in dismissal.

CareTrade reserves the right to amend the policy and procedure as necessary to meet any change in requirements. If there is anything that you think CareTrade should know about, please use the procedure. By knowing about malpractice at an early stage the organisation stands a good chance of taking necessary steps to safeguard the interests of others and protect the organisation.

#### 1.2 What is whistleblowing?

**This policy is designed to deal with concerns raised in relation to specific issues, which are in the public interest and detailed below.** CareTrade has other policies and procedures that deal with Complaints, Grievance, Harassment and Equal Opportunities. The relevant policy should be followed where appropriate. CareTrade also has a separate policy for Preventing Extremism and Radicalisation, which should be followed as appropriate.

**Whistleblowing is specific and means a disclosure of information** made by a worker or an external person or body where they reasonably believe **that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:**

- a criminal offence
- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, malpractice or breach of a code of conduct)

- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- covering up or ignoring a safeguarding concern about abuse or suspected abuse
- a deliberate concealment of information tending to show any of the above
- concerns regarding extremism and radicalisation of a learner/pupil or employee/volunteer

**Only genuine concerns should be reported.** Disclosures must be made in good faith with a reasonable belief that any information and/or allegation is substantially true, and that the disclosure is not made primarily or solely for personal gain. Malicious or false allegations will be treated as a serious disciplinary offence.

### 1.3 Who does the policy protect?

This policy applies to all employees, including full time, part time and temporary (regardless of length of service), volunteers, agents, contractors, suppliers and users of CareTrade services.

Applicants, or external bodies or agencies, who have genuine concerns about malpractice or illegal acts as outlined in Section 2, are encouraged to report their concerns.

**Please note that whistleblowing is specific to the issues in Section 2** and matters relating to a complaint about your own personal circumstances or an appeal against a decision are addressed through the CareTrade's Grievance Policy and Procedure.

### 1.4 The Public Interest Disclosure Act 1998

This policy takes into account the Public Interest Disclosure Act 1998 ("the Act") which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the provisions of the Act. Disclosures are only protected if they fall within the categories set out in Section 2 above and are made reasonably and in good faith.

## 2 Guidelines for managers / individuals

### 2.1 Whistleblowing Procedure

**Workers raising a concern should take the following steps:**

- You should first raise your concern with the Chief Executive (CEO) in the first instance. The CEO may ask for the concerns to be put in writing, if this is considered appropriate.
- Anonymous allegations are not automatically disregarded but given the safeguards which are in place for those making allegations under this policy, anonymous allegations are given less weight than those from named individuals.
- If, exceptionally, your disclosure is about the CEO you should report your concerns directly to the Chair of the Trustees who will decide how the investigation should proceed.
- If you are unhappy with the response that you receive, you may report the matter to the Chair of Trustees. This option will not apply where an allegation has been dismissed following an investigation.
- Applicants, members of the public and other organisations are encouraged to raise a genuine concern about CareTrade relating to the areas outlined in Section 2 above.
- CareTrade will decide how to respond in a responsible and appropriate manner under this policy.
- An investigation will be conducted as speedily and sensitively as possible. An official written record will be kept at each stage of the procedure.
- A decision as to whether a preliminary investigation should be carried out will be made within two weeks of the complaint having been received. Where this is not possible, the person making the complaint will receive an explanation of the delay.
- You are entitled to be accompanied by a relevant accredited union representative (if any) or a work colleague, throughout the procedure when reporting your concerns.

**The person to whom you have raised the concern will investigate** (or delegate to an appropriate individual or third party if appropriate) your concern/s as follows:

- If appropriate, arrange an initial interview with you normally within two weeks of complaint to ascertain your area/s of concern. This interview will remain confidential if requested.
- The notes taken during the interview will be sent to you to approve as an accurate record of what was discussed.
- You will be asked whether you want your identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
- You will be asked if you are prepared to make a verbal or written statement (if you have not already done so).
- A senior member of staff or an external person or body as appropriate, will then conduct further investigations. The investigation may be conducted by the auditors, for example in the case of financial irregularity or suspected fraud. They will aim to complete the investigation within seven working days although in serious or complicated cases, this may not be possible.
- The person against whom the disclosure is made will normally be told at an early stage, provided with supporting evidence and allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e. without informing the subject of your allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s is made may be suspended while investigations are undertaken.
- **Notifying the Police** **Whoever hears the whistleblowing concern has a professional obligation to notify the police if they have good reason to believe a crime has been committed.** In the event of concerns about a person becoming radicalised consideration will be given to using the relevant Local Authority Channel process which can incorporate a referral to the police.
- If there is a case to answer, and if appropriate, the disciplinary procedure will be initiated against the person/s who is the subject of the allegation/s. You will be informed of the outcome of the investigation within five working days of completion of the investigation.
- **The exact nature of any disciplinary action taken against any person will remain confidential.**

Whether there was a case to answer or not, and provided that your disclosure was made in good faith because you reasonably believed it to be true, CareTrade will ensure that you are protected from reprisal or victimisation as a result of your complaint.

Only where it is established that your allegations were false and made maliciously or for personal gain will disciplinary action be taken against you. Such disclosures will be treated as gross misconduct and may result in your dismissal without notice or payment in lieu of notice.

If, as a result of investigations you are implicated in some way in any wrong doings, disciplinary action may be taken against you. The fact that you have blown the whistle will be taken into account if an action is considered.

If you are not satisfied with the outcome of the investigation, you may consider informing other bodies and CareTrade recognises that workers have a right to make a disclosure about certain matters of concern, as set out in paragraph 2.2 below, to prescribed persons (such as the Health and Safety Executive, the Director General of Fair Trading, Charity Commission the Director of the Serious Fraud Office, the Utility Regulators, the Data Protection Registrar and the Environment Agency).

If you are not satisfied with the outcome of the investigation and the concerns were about a safeguarding issue, you may consider informing the regulators who have a responsibility to inspect CareTrade services.

## 2.2 List of external contacts

**Trade Union Congress:** <https://www.tuc.org.uk/>

**Southwark Citizens Advice Bureaux:** <http://www.southwarkcabservice.org.uk/>

**Company Law:** Business Innovation and Skills Department, Charity Commission

**Competition and Consumer Law:** Office of Fair Trading, Financial Reporting Council and its operating bodies (the Accountancy and Actuarial Discipline Board, Financial Reporting Review Panel and Professional Oversight Board), HM Treasury (insurance business)

**Fraud and Fiscal irregularities:** Serious Fraud Office, Inland Revenue, HM Customs and Excise, Department of Trade and Industry Health and Safety Risks: the Health and Safety Executive and the local authority

**Others:** Information Commissioner, Occupational Pensions Regulatory Authority, Audit Commission for England and Wales, National Audit Office Utilities: OFCOM, OFWAT, OFGAS, Public Concern at Work (PCaW).

The Chief Executive has lead responsibility for policy implementation within CareTrade and this policy is endorsed by the CEO to demonstrate CareTrade's commitment.