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# Whistleblowing Policy and Procedure

## Policy statement

1. 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. 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.
2. 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.
3. **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, concerns over radicalisation or failures to comply with recognised standards of work without fear of reprisal or victimisation.
4. **If there is anything that you think CareTrade should know about, defined under 'What is Whistleblowing', please report it.** 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. Please follow the procedure, outlined in this policy.
5. The Chief Executive has lead responsibility for policy implementation within CareTrade and this policy is endorsed by the CEO to demonstrate CareTrade's commitment. CareTrade reserves the right to amend the policy and procedure as necessary to meet any change in requirements.

## Who does the policy protect?

1. 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.
2. Applicants, or external bodies or agencies, who have genuine concerns about malpractice or illegal acts as outlined below, are also encouraged to report their concerns.

## What is whistleblowing?

1. **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, equal opportunities and appeals. The relevant policy should be followed where appropriate. In addition, CareTrade's Data Protection Policy and **Safeguarding & Prevent policy** should be followed and read in conjunction with this Policy.

2. **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:**
- I. a criminal offence
  - II. 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)
  - III. a miscarriage of justice
  - IV. a danger to the health and safety of any individual
  - V. damage to the environment
  - VI. bribery
  - VII. covering up or ignoring a safeguarding concern about abuse or suspected abuse
  - VIII. a breach of the Fundraising Code of Practice <https://www.fundraisingregulator.org.uk/code>
  - IX. a deliberate concealment of information tending to show any of the above
  - X. concerns regarding extremism and radicalisation of a learner/pupil or employee/volunteer
3. **If you have a genuine concern relating to any of the above, you should report it under this Policy.** 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. If you are uncertain about whether something is within the scope of this Policy you should seek advice from your line manager or the Chief Executive Officer.

## Raising a whistleblowing concern

1. You can raise any concern in person or you can put the matter in writing if you prefer, with your line manager. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they will refer the matter to a member of the Leadership Team - Head of Education & Learning, Development Director or Chief Executive (CEO).
2. If your matter is more serious, or if you feel your line manager has not addressed your concern, or if you prefer not to raise it with them for any reason, then you should raise your concern directly with the CEO. The CEO may ask for the concerns to be put in writing, if this is considered appropriate. (contact details at end of policy).
3. If your disclosure is about the CEO, you should report your concerns directly to the Chair of the Trustees.
4. You are entitled to be accompanied by a relevant accredited union representative (if any) or a work colleague, at any point throughout the procedure when reporting your concerns.

## Support and protection for whistleblowers

1. CareTrade aim to encourage openness and hope that staff will feel able to voice whistleblowing concerns openly under this Policy. We don't encourage staff to make anonymous disclosures. Proper investigation may be more difficult or impossible in these circumstances.

2. However, if you wish to raise your concern confidentially, every effort will be made to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
3. If you have any doubts, we advise you seek advice from Protect, the independent whistleblowing charity (contact details at end of policy).
4. CareTrade will support all whistleblowers, who make disclosures in good faith that they reasonably believed it to be true, even if it turns out there is no case to answer and they were mistaken.
5. CareTrade will not tolerate reprisals, harassment or victimisation of whistleblowers and such conduct will be considered a disciplinary issue and may be considered gross misconduct, which if proven, may result in dismissal. If you believe you have suffered any such treatment, you should inform the CEO immediately.
6. If it is established that allegations/disclosures were false and made maliciously or for personal gain, the whistleblower may face disciplinary action.

## Investigation process and outcomes

1. The concern you have raised will be recorded by the person you first raised it with.
2. CareTrade will decide how to respond in a responsible and appropriate manner under this policy. Where appropriate, an investigation will be conducted as speedily and sensitively as possible. An official written record will be kept at each stage of the procedure.
3. A decision as to whether a preliminary investigation should be carried out will be made within two weeks of the complaint/concern having been received. Where this is not possible, the person raising the concern will receive an explanation of the delay.
4. Should a formal investigation be initiated, 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:
  - I. 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.
  - II. The notes taken during the interview will be sent to you to approve as an accurate record of what was discussed.
  - III. You will be asked whether you want your identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
  - IV. You will be asked if you are prepared to make a verbal or written statement (if you have not already done so).
  - V. 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.
  - VI. 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.

5. You must treat all information communicated to you as part of any process as confidential. You, or anyone accompanying you, must not make electronic recordings of any meetings or hearings conducted under this procedure.
6. We aim to inform you 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.
7. CareTrade aim to deal with all concerns fairly and in an appropriate way. However if you are unhappy with the way your concern was handled, you can raise this with the Chair of Trustees (contact details at the end of policy).

## External disclosures

1. The primary aim of this Policy is to provide an internal procedure for reporting, investigating and remedying any concerns and wrongdoing within the organisation. In most cases you should not find it necessary to report externally.
2. The law recognises there are some circumstances where it may be appropriate for you to report your concerns to an external body, for example The Charity Commission, the Health and Safety Executive, the Fundraising Regulator, the ICO or Ofsted. We would strongly encourage you to seek advice (from CareTrade or independently) before reporting a concern externally.
3. 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. In the event of concerns relating to safeguarding, appropriate referrals will be made to the relevant authorities, in accordance with our Adult at Risk Safeguarding & Prevent Policy. Any such notifications will be made in accordance with our Data Protection Policies.

## useful contacts and contact details

**Chief Executive (CEO)**, Karen Edwards [karen.edwards@caretradeuk.org](mailto:karen.edwards@caretradeuk.org) 07525 164850  
**Director of Development**, Judith Kerem [Judith.kerem@caretradeuk.org](mailto:Judith.kerem@caretradeuk.org)  
**Head of Education & Learning**, Mark Finch [mark.finch@caretradeuk.org](mailto:mark.finch@caretradeuk.org)

**Chair of Trustees**, Frida Norman [fridanorman@gmx.com](mailto:fridanorman@gmx.com)

**Protect** (independent whistleblowing charity) [www.protect-advice.org.uk/](http://www.protect-advice.org.uk/)  
[info@protect-advice.org.uk](mailto:info@protect-advice.org.uk)

**Citizens Advice** [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)

**Charity Commission** [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)

**Government** [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

**ICO – Information Commissioner’s Office** [www.ico.org.uk](http://www.ico.org.uk)

**Public Interest Disclosure Act 1998** [www.legislation.gov.uk/ukpga/1998/23/contents](http://www.legislation.gov.uk/ukpga/1998/23/contents)