

## WHISTLEBLOWING POLICY

### 1. Purpose

- 1.1 Whistleblowing is the reporting of suspected wrongdoing, malpractice or dangers in relation to the Trust's activities concerning matters of public interest.
- 1.2 This may include bribery, fraud, corruption or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations, manipulation of accounting records and finances, inappropriate use of assets or funds, decision making for personal gain, abuse of position, malpractice, serious breaches of Trust procedures which may advantage a particular party for example tampering with tender documentation or failure to register a personal interest.

### 2. Scope

- 2.1 This policy sets out the way in which workers may raise a concern under the Public Interest Disclosure Act 1998 and how those concerns will be dealt with.
- 2.2 This policy applies to all individuals operating at all levels of the Trust including Trustees, Consultants, Sub-contractors, Apprentices, full-time/ part-time, permanent / fixed-term employees, agency staff and volunteers. These groups are collectively referred to as workers.
- 2.3 This policy is solely for the use of workers and should not be used where other procedures, for example the grievance or complaints procedures, are more appropriate.

### 3. Protected Disclosures

- 3.1 The law provides protection for workers who raise legitimate concerns about specified matters, known as Protected Disclosures.
- 3.2 A Protected Disclosure must, in the reasonable belief of the worker making it, be made in the public interest and relate to a belief that one of the following has been, or is likely to be, committed:
  - a criminal offence;
  - a miscarriage of justice;
  - an act creating a risk to health and safety;
  - an act causing damage to the environment;
  - a breach of any other legal obligation; or
  - concealment of any of the above
- 3.3 A Protected Disclosure must include information about the concern and not merely be allegations of suspected malpractice.
- 3.4 A worker who makes a Protected Disclosure has the right not to be dismissed, subjected to any detriment, or victimised because they made a disclosure.
- 3.4 If a worker is unsure whether or not to raise a concern under this policy they should discuss their concern with their line manager or the Head of Human Resources first.

#### 4. Confidentiality and anonymity

- 4.1 A worker making a disclosure under this policy can expect the matter to be treated confidentially and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing without their prior approval.
- 4.2 The Trust will take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced does not identify the worker making the disclosure without their consent, unless the Trust is legally obliged to do so, or for the purposes of seeking legal advice.
- 4.3 Workers are however encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Trust will not be in a position to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that the Trust may have difficulty in investigating concerns.
- 4.4 The Trust reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
  - The seriousness of the issues raised in the disclosure;
  - The credibility of the concern; and
  - How likely it is that the concern can be confirmed from attributable sources.

#### 5. Procedure for raising a concern

- 5.1 In the first instance workers should raise concerns with their line manager.
- 5.2 If the worker reasonably believes their line manager to be involved in the wrongdoing, or if the worker does not wish to approach their line manager due to the seriousness and sensitivity of the issues involved, they may raise their concerns with the Head of Human Resources.
- 5.3 The following information should be provided and demonstrate that there are reasonable grounds for the concern:
  - The background and history of the concern, giving relevant dates and who else is involved;
  - The reason why the worker is concerned about the situation.
- 5.4 The line manager / Head of Human Resources will arrange an investigation into the concern either by directly investigating the matter themselves or passing the issue to an appropriate investigating officer.
- 5.5 An investigation normally involves the worker and others giving written statements.
- 5.6 The outcomes of the investigation will be presented to the Chief Executive Officer.
- 5.7 If the disclosure does not have sufficient merit to warrant further action, the worker will be notified in writing of the reasons for the decision and advised that no further action will be taken under this policy. Considerations normally to be taken into account when making this determination may include the following:
  - the worker does not have a reasonable belief that suspected malpractice is occurring; or
  - the matter is already the subject of legal proceedings or appropriate action by an external body; or
  - the matter is already subject to another appropriate procedure.
- 5.8 When a worker makes a disclosure which has sufficient substance or merit warranting further action, the Trust will take the necessary action including reporting the matter to any appropriate government department or regulatory agency. If misconduct is discovered, the disciplinary procedure may be used in addition to any appropriate external measures.

- 5.9 The worker making the disclosure will be notified of the outcome of their disclosure within a reasonable period of time and without undue delay.
- 5.10 If the worker is dissatisfied with the conduct of the investigation, resolution of the matter or has genuine concerns that the matter has not been handled appropriately, their concerns should be raised with the Chief Financial Officer who will arrange for another manager to review the investigation or carry out their own investigation and compile their own report. The worker will be notified of the outcome within a reasonable period of time and without undue delay.

## 6. Safeguards

- 6.1 A worker will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) for making a genuine disclosure in accordance with this policy.
- 6.2 If a worker is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken against the colleague in question.
- 6.3 If the investigation concludes that worker has deliberately made false allegations, either maliciously or with a view to personal gain, the worker may be subject to disciplinary proceedings.

## 7. Disclosure to external bodies

- 7.1 This policy has been implemented to allow workers to raise disclosures internally within the Trust.
- 7.2 A worker has the right to make a disclosure outside of the Trust where there are reasonable grounds to do so, for example if having followed the internal procedure the worker reasonably believes that appropriate action has not been taken.
- 7.3 In these circumstances workers may make a disclosure to an appropriate external body prescribed by the law. This list of prescribed organisations and bodies can be found on [the GOV.UK website](#).
- 7.4 Workers can also make disclosures on a confidential basis to a practising solicitor or barrister or to their trade union.
- 7.5 If a worker seeks advice outside of the Trust, they must be careful not to breach any confidentiality obligations or damage the Trust's reputation in so doing.

## 8. Further assistance

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.
- 8.2 The Trust strongly encourages workers to seek advice before reporting a concern to anyone externally. Public Concern at Work (Independent whistleblowing charity) operates a confidential helpline:

Helpline: (020) 7404 6609  
E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)  
Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)  
**Public Concern at Work**  
3rd Floor,  
Bank Chambers  
6 - 10 Borough High Street  
London  
SE1 9QQ

## 9. Confidentiality and record keeping

- 9.1 The Trust will keep a record of all concerns raised under this policy, including cases where it is deemed that no action should be taken and will report to the Board of Trustees as appropriate.
- 9.2 All correspondence and documentation related to this procedure will be kept confidential and in accordance with the Data Protection Act it will be maintained in an appropriate system of record keeping.

Review cycle:	Every two years
Next review date:	July 2019
Owner:	Head of Human Resources
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