

WHISTLEBLOWING POLICY



All reference to personnel includes both paid employees and volunteers.

Anglia Care Trust seeks to conduct its business honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. It is the responsibility of all personnel to raise any concerns that they might have about malpractice within the workplace. The aim of this guidance is to ensure that our personnel and are confident that they can raise any matters of genuine concern without fear of reprisals, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and regarded as confidential.

The following guidance sets out the procedure by which personnel and can report concerns about workplace practices. This policy is for guidance only and does not form part of any contract of employment.

This policy concerns malpractice within the organisation which affects or could affect, for example, Service Users, members of the public or other members of personnel. If you have a complaint relating to your own personal circumstances in the workplace then you should use the Grievance Procedure.

Legislative framework

Whistleblowing is the disclosure of information by personnel and which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect paid employees who blow the whistle on bad practice from being subjected to any detriment or unfair dismissal as a result.

Personnel responsible for implementation of policy

The Board of Directors has overall responsibility for Anglia Care Trust's policy on whistleblowing, but has delegated day-to-day responsibility for overseeing and implementing it to the Designated Whistleblowing Contact (DWC) (below). The responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under the policy, lie with the Board of Directors.

Managers have a specific responsibility to facilitate the operation of this policy and to ensure that personnel feel able to raise concerns without fear of reprisals in accordance with the procedure set down below.

What disclosures are covered?

Concerns about malpractice within the organisation which affects or could affect, for example, service users, members of the public or other members of personnel should be raised using the procedure set out below. If you are in doubt whether a matter is more appropriately dealt with by use of the Grievance Procedure or the Whistleblowing Policy you should speak to the DWC.

You should use this policy if you have a genuine concern that there are reasonable grounds for believing that:

- a criminal offence has been committed, is being committed, or is likely to be committed; or
- a person has failed, is failing, or is likely to fail to comply with their legal obligations; or
- a miscarriage of justice has occurred, is occurring, or is likely to occur; or
- the health and safety of any individual has been, is being, or is likely to be endangered; or
- the environment has been, is being or is likely to be damaged; or
- any of the above are being, or are likely to be, deliberately concealed.

In the context of Anglia Care Trust's activities, particular concerns which may fall within the terms of this policy include, for example, mistreatment of Service Users, the provision of negligent advice, financial fraud and health and safety. In general, this policy covers actions or omissions you consider are illegal, contrary to policy or established procedure, outside the scope of an individual's authority, or actions which could damage Anglia Care Trust's reputation and conflicts of interest. However, only disclosures concerning those actions falling strictly within the categories in the paragraph above will be eligible for the relevant statutory protection of paid employees.

We will value any concerns reported in good faith under this procedure. If you are uncertain whether the matters concerning you are within the scope of this policy (for example, if you are suspicious but uncertain as to whether the law has been broken, or whether a person is acting outside the scope of their authority etc.), we encourage you to report the concerns to the DWC in accordance with the procedure set out below.

To whom should a disclosure be made?

Anglia Care Trust recognises that you may not feel comfortable discussing concerns with your direct line manager. For the purposes of this procedure you are asked, in the first instance, to raise concerns about any form of malpractice falling within the categories outlined above with the DWC who is the Vice Chair of the Board of Directors. The DWC reports directly to the Board of Directors. In the absence of the DWC, the Chair of the Board of Directors may nominate another officer to carry out the DWC's duties under this policy. The DWC can be contacted in the following ways;

- in writing marked Private and Confidential addressed to The Vice Chair at Anglia Care Trust HQ
- by email to dwc@angliacaretrust.org.uk
- by telephone on 01473 622888 by leaving a simple message for the Vice Chair to call you.

If the disclosure in any way involves the DWC, you should report it directly to the Chair of the Board of Directors.

We will always endeavour to handle investigations promptly and fairly, but if you have made a disclosure under the procedure outlined in below and you are not satisfied with the investigation or its conclusion, you should write directly to the Chair of the Board of Directors.

We envisage that disclosures will be most likely to relate to the actions of our personnel but they may also relate to the actions of a third party, such as a client. It may be appropriate for you to raise your concerns directly with the third party where you believe that the malpractice identified relates solely or mainly to their conduct or a matter which is their legal responsibility. However, we would ask that you consult the DWC before speaking to the third party.

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. It is therefore hoped that it will not be necessary for personnel or to alert external organisations. However, in very serious circumstances, or following an internal report which has not been addressed, we recognise that it may be appropriate for you to report your concerns to an external body, such as a regulator. The government has prescribed a list of appropriate bodies for such external reporting: for example, the Environment Agency, the Health and Safety Executive or the Charity Commission. A full list is available from an independent charity called Public Concern at Work, who can be contacted by telephone on 020 7404 6609 and by e-mail at whistle@pcaw.org.uk

How should a disclosure be made?

You can raise your concerns with the DWC orally or in writing. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential. The DWC will ask you to formalise your concerns in writing either before or after the first meeting.

The DWC will acknowledge receipt of your formal written disclosure and keep a record of further action taken.

You are entitled to be accompanied by an Anglia Care Trust colleague or union representative at any meeting with the DWC (or, if the DWC is unavailable, an individual acting in the DWC's place) under this procedure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

We recognise that disclosures made under this policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure.

However, we regret that we cannot guarantee to investigate all anonymous allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback, or ascertain whether your disclosure was made in good faith. It is preferable for whistleblowers to reveal their identity to the DWC and measures can be taken to preserve confidentiality if appropriate (see paragraph headed Confidentiality).

Investigation of disclosure

Anglia Care Trust is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following your submission of a formal written disclosure, the DWC (or another individual acting in his place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.

The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the DWC will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced and copies will be provided to the Board of Directors and, where appropriate, you will also receive a copy. If you are dissatisfied with the investigation or its conclusion then you should write to the Chair of the Board of Directors.

If a longer investigation is considered necessary, we will usually appoint an investigator or investigative team including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure. Separate personnel will be asked to make a judgement on the report submitted by the investigator (or investigative team). Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Board of Directors will then be responsible for reviewing and implementing these recommendations.

So far as the DWC considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. It is not normally appropriate to set a specific time frame for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable.

We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

Confidentiality

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be

expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation.

Protection and support for whistleblowers

No member of personnel who raises genuinely-held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform the Chair of the Board of Directors immediately. Personnel who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatiously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined in the above paragraph.

Corrective action and compliance

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigative team to enable Anglia Care Trust to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Board of Directors will be responsible for reviewing.

Monitoring and review of policy

This policy reflects the law and Anglia Care Trust's practice as at October 2018. The DWC, in conjunction with the Board of Directors will be responsible for reviewing this policy from a legislative and operational perspective annually.

Date of next review – October 2019