

## **Public Interest Disclosure Policy (Whistle Blowing Policy)**

### **Introduction**

The Whistleblowing policy and procedure sets out the framework for dealing with allegations of improper and illegal conduct. This policy ensures New Directions complies with its duty under the Public Interest Disclosure Act 1998.

We encourage individuals to be vigilant and raise concerns of any wrongdoing at the earliest opportunity with management (please see Appendix for further guidance).

Individuals who report their concerns or allegations of wrongdoing in good faith are afforded legal protection under the Act, preventing them from suffering a detriment as a result of making a disclosure.

New Directions is committed to the highest standards of transparency, integrity and accountability and to the continuous improvement of our services through effective communication and openness.

### **Scope**

This policy applies to the people we support, employees, workers, volunteers, members of the public, suppliers and other third parties. It does not replace other company policies and procedures, such as Complaints, [Grievance](#), and [Bullying and Harassment](#).

The Whistleblowing policy and procedure applies to, but is not limited to, disclosures about the following areas of malpractice and wrongdoing that either have happened, are happening or are likely to happen:

- Financial malpractice or impropriety or fraud
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Abuse of any nature of the people we support, employees, workers and volunteers
- Any other improper or unethical conduct
- Reports of sexual harassment.
- Deliberate concealment of information relating to any of the above.

### **Confidentiality**

All disclosures and allegations will be treated in confidence and every effort will be made not to reveal the identity of a whistle-blower unless they otherwise request or consent.

If the matter subsequently results in disciplinary action or court proceedings, New Directions may be obliged to identify them as a result of asking them to provide a statement as part of the evidence required, however we would assure the individual of their legal protection under the Public Interest Disclosure Act 1998.



## **Anonymous allegations**

Anonymous allegations may be difficult to fully investigate and prove therefore we encourage whistle-blowers to put their name to an allegation or concern wherever possible.

Anonymous allegations will be considered at the discretion of the CEO or Board of Trustees, taking the following factors into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the person making the allegation.

## **Malicious allegations**

New Directions will deal appropriately with any employee, worker or volunteer who makes a false allegation maliciously. Employees who deliberately make false allegations may be subject to disciplinary action. The company may cease engagement with any volunteer or worker who is found to have made a false allegation.

## **Procedures for making an allegation**

An employee, worker or volunteer who has a concern should raise it with the immediate line manager to whom they report.

If the whistle-blower believes their line manager to suspected of a wrongdoing, they should make their allegation directly to any of the following:

- A member of the Management Team
- A member of the Senior Management Team
- The CEO

If the whistle-blower believes any of the above are suspected of wrongdoing, they should make their allegation to the Chair of the Board of Trustees by writing to them, marking the envelope 'Private and Confidential', or by reporting them directly to an appropriate external organisation or body.

Independent, external advice can be obtained from the following:

**Public Concern at Work** – the whistleblowing charity, who can advise on the best course of action: Whistleblowing advice line: 020 7404 6609 Email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

**Whistleblowing Helpline** – a free-phone service for employees and organisations within the NHS and social care sector. Tel: 08000 724 725

## **Action on receipt of an allegation**

On receipt of an allegation of wrongdoing or suspected wrongdoing, an investigating officer will be appointed and will ensure the following:

- A written acknowledgement of the concern is sent to the complainant and thereafter they will report back to them in writing of the outcome of the investigation and on the action that is proposed, as appropriate to the circumstances.
- A full investigation takes place into the matters of concern raised, which may include obtaining statements and/or holding investigation meetings and reviewing evidence to establish the facts.
- A summary report will be produced of their findings and recommendations for actions, as appropriate to the circumstances. This report will be submitted to the CEO or Chair of the Board as appropriate.
- External bodies are notified according to the nature of the allegation; this may include the Police, Warwickshire County Council, Care Quality Commission, Health and Safety Executive or any other relevant body or organisation.

It is not possible to provide a specific timescale for investigations to take place as this will depend on the complexity of the allegation, the extent of investigation required and the potential involvement of external bodies, however the investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The CEO has overall responsibility for the operation of this policy and procedure and will report to the Board of Trustees on whistleblowing disclosures made in a form that does not identify the whistle-blower.

## Whistleblowing Policy And Procedure – Appendix

### “DO’s and DON’Ts”

| DO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DON'T                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Make a note of your concerns:</p> <ul style="list-style-type: none"> <li>- Record all relevant details such as the nature of your concern, the names of parties you believe to be involved, details of any telephone or other conversations or communications with names, dates, times and any witnesses</li> <li>- Notes do not need to be overly formal and should be timed, signed and dated</li> <li>- Timeliness is most important – the longer you delay writing up, the greater the chances of recollections becoming distorted and the case being weakened</li> </ul> | <p>Be afraid of raising your concerns:</p> <ul style="list-style-type: none"> <li>- The Public Interest Disclosure Act 1998 provides protection for employees and any individual who raises reasonably held concerns through the appropriate channels</li> <li>- You will not suffer discrimination or victimisation as a result of following these procedures</li> <li>- The matter will be treated sensitively and confidentially where the concern raised is genuine and made in good faith</li> </ul> |
| <p>Retain any evidence you may have.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Seek to obtain evidence not already in your possession or in any other way carry out your own investigation into your suspicions.</p>                                                                                                                                                                                                                                                                                                                                                                  |

| DO                                                                                                                                             | DON'T                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The quality of evidence is crucial and the more direct and tangible the evidence, the better the chances of an effective investigation.</p> | <p>There may be a perfectly reasonable explanation for the events that give rise to your suspicion. Spreading unsubstantiated concerns may harm innocent people.</p> |
| <p>Report your suspicions promptly.</p>                                                                                                        | <p>Approach the person you suspect or try to investigate the matter yourself.</p>                                                                                    |
| <p>All concerns must be reported to the appropriate person as detailed in the Whistleblowing Policy and Procedure.</p>                         | <p>In the event of a potentially criminal allegation, do not attempt to gather evidence yourself as this may undermine the case.</p>                                 |
|                                                                                                                                                | <p>Convey your concerns to anyone other than the authorised people listed in this policy or the appropriate external body.</p>                                       |