

Care & Repair (Northampton) Ltd Whistle-blowing Policy

1. Introduction

Whistle-blowing is where a person, usually an employee, discloses what s/he considers to be employer malpractice, believing that the actions of the employer are dangerous, illegal or corrupt. The term covers a disclosure made to a senior employee, a Board member, or an outside person or body.

2. Why does Care & Repair have a policy on whistle-blowing?

Whistle-blowing is an early warning system that can alert Care & Repair when something goes wrong. This could be something like

- Physical, sexual, emotional or financial abuse of a vulnerable client
- An employee defrauding the charity
- The use of faulty equipment or machinery, or a dangerous working environment, that puts staff, volunteers or users at risk
- Taking payments in exchange for awarding contracts

Care & Repair is committed to good governance and to providing excellent services to some very vulnerable people. We strongly encourage all staff to disclose any concerns as soon as possible, and, if they do, we are committed to ensuring they are supported throughout the process and that their employment rights and conditions are protected. We want to foster a culture of openness and honesty, where people can speak openly about any concerns and Care & Repair can act quickly to solve problems.

3. What is the difference between whistle-blowing and a complaint or grievance?

In practical terms, whistle-blowing occurs when a worker raises a concern about danger or illegality that affects others (such as clients or the general public). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has an immediate personal interest in the outcome of any investigation into their concerns. The whistleblower is a witness not a complainant. S/he is not expected to prove their case; rather, they raise an issue so that others can address it.

This is different from a complaint. When someone complains or takes out a grievance, they are saying they have personally been poorly treated. For example this might involve a breach of their individual employment rights, or harassment, and the complainant is seeking justice and redress for themselves. They will have a personal vested interest in the outcome of the complaint, and, in these cases staff should use the Care & Repair Grievance Procedure.

4. What should be reported?

It is not possible to give a comprehensive list of activities which constitute malpractice, but the types of activities that should be reported include:

- Criminal offences
- Failure to comply with legal obligations
- A miscarriage of justice
- Actions which endanger the health or safety of staff or the public
- Actions causing damage to the environment
- Actions which are intended to deliberately conceal any of the above

These may be actions that are occurring now, have occurred or may be about to occur.

5. Whistle-blowing Procedure

In almost all cases, raising the concern internally will be the most appropriate course of action.

- Staff can raise concerns verbally or in writing with one or more of the following:
 - Their line manager;
 - The Service Director;
 - The Chair of the Management Committee, the Treasurer or the Secretary. Contact details are given at the end of this document.
- Care & Repair aims to respect the confidentiality of a member of staff who raises concerns. However there may be some circumstances where this is not possible, for example where formal or legal action is needed and they are required as a witness. Should this be the case, this will be discussed at the earliest opportunity with the staff member, and support will be offered. Where concerns are raised verbally, in some circumstances (as above) staff may later be asked to put it in writing.
- A detailed investigation will then be instigated by Manager(s), Director and/or Trustee(s) as soon as possible but within a maximum of one working week.
- The investigators responsibilities are to:
 - Treat the matter in confidence within the parameters of the case
 - Investigate properly and make an objective assessment of the concern
 - As far as possible, keep the whistleblower advised of progress without breaching confidentiality
 - Ensure that any concerns raised under this policy are reported to the Board of Trustees

- Take appropriate steps to ensure that the whistleblowers employment, working environment and working relationships are not prejudiced by the disclosure
- The employees responsibilities are to:
 - To raise the issue internally and follow these procedures where possible before raising it externally
 - To attend a hearing as a witness if this proves necessary. In such circumstances, the employee has the right to be accompanied by a colleague or representative of their choice not acting in a legal capacity
 - To maintain confidentiality as set out in Care & Repair's Confidentiality Policy

It is a disciplinary matter both to victimise a bona fide whistleblower and to maliciously make false allegations.

The Public Interest Disclosure Act 1998 protects workers from being dismissed or penalised for disclosing information that they honestly and reasonably suspect exposes malpractice.

In the context of Care & Repair, the Act covers any Care & Repair employees, trainees, and agency staff, but not volunteers or the self-employed.

Only some disclosures are covered by the Act. The Act covers disclosures made when a worker has a reasonable belief that any of the actions listed under Point 4 are, have or will occur.

For a worker to be protected under the Act, they must make the disclosure to the employer (Care & Repair), a legal advisor, or, in certain circumstances, other persons. Senior staff or Public Concern at Work* can offer further advice if needed.

**(Additional Information, re: Public Concern at Work, below)*

Who to Contact

Staff should first raise concerns with their line manager, or the Service Director. If this is not possible because these staff are absent or are themselves implicated, staff should contact a Member of Care & Repair's Management Committee:

Chair	Oswald Dodds, MBE	Tel 01604 401726 (h)
Treasurer	Mike Parr	Tel 01604 406869 (h)
Secretary	Roger Mendonca	Tel 01604 586605 (w)

Any staff member who wishes to seek independent advice can contact CAB, or Public Concern at Work (see Page 4, below):

ADDITIONAL INFORMATION re: PUBLIC CONCERN AT WORK

A national charity, **Public Concern at Work** (PCaW) is an independent authority on public interest whistleblowing. Established as a charity in 1993

following a series of scandals and disasters, PCaW has played a leading role in putting whistleblowing on the governance agenda and in influencing the content of legislation in the UK and abroad.

PCaW promotes compliance with the law and good practice in organizations across all sectors. In practical terms, PCaW focuses on the responsibility of workers to raise concerns about malpractice and on the accountability of those in charge to investigate and remedy such issues. The organisation does this by:

- Offering free advice to people concerned about danger or malpractice in the workplace but who are unsure whether or how to raise the matter;
- Providing compliance toolkits, training and consultancy on accountability in organisations and on self-regulatory and regulatory cultures; and
- Influencing public policy through research and educational activities.

Public Concern at Work
Suite 301
16 Baldwins Gardens
London EC1N 7RJ

Telephone (general enquiries and helpline): 020 7404 6609 (Fax: 020 7404 6576)

Hours: The UK office is open and the helpline is staffed from 9am to 6pm, Monday to Friday. There is an answering machine out of hours.

Email: UK enquiries: whistle@pcaw.co.uk
UK helpline: helpline@pcaw.co.uk
UK services: services@pcaw.co.uk