



# Whistle Blowing Policy & Procedure

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## Contents

|  |   |
|--|---|
| Whistle Blowing Policy & Procedure .....                       | 1 |
| Policy Statement.....  | 1 |
| Legislative Framework.....                                     | 2 |
| When Should the Responsible Reporting Procedure be Used? ..... | 2 |
| What Should an Employee Do?.....                               | 3 |
| Investigation of Disclosure .....                              | 3 |
| Assurance .....  | 4 |
| Protection and Support for Whistleblowers .....                | 5 |
| Contacts:.....   | 5 |

## Whistle Blowing Policy & Procedure

### Policy Statement

Autism Bedfordshire takes any reports of malpractice very seriously. At all times workers should feel comfortable coming forward if they wish to raise a concern even if it has to bypass senior management.

We expect all workers to maintain high standards in accordance with our organisations rules and to report any wrongdoing that falls short of these fundamental principles. It is the responsibility of all workers to raise any concerns that they might have about malpractice within the workplace. The aim of this policy is to ensure that our workers 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. Autism Bedfordshire encourages a free and open culture in its dealings with its workers. In particular, Autism Bedfordshire recognises that effective and honest communication is essential to the success of the scheme.

This policy is designed to provide guidance to all those who work within Autism Bedfordshire who may from time to time feel that they need to raise certain issues relating to their role with someone in confidence. Autism Bedfordshire recognises the importance of this policy and will offer workers support and assistance in the use of the procedure.

This policy is for guidance only and does not form part of your contract of employment

## Legislative Framework

The Public Interest Disclosure Act 1998 protects workers who “blow the whistle” on significant wrongdoing within the workplace from suffering detrimental treatment or victimisation. The Act applies to “workers”. It does not cover volunteers. Protection is given to workers who make a “Protected Disclosure”. A disclosure will be protected if the worker honestly and reasonably raises concerns about crime, illegality, miscarriage of justice, dangers to health and safety or the environment or any concealment of these which he/she believes has occurred or is likely to occur within the Organisation.

The Act is aimed at ensuring that workers are encouraged to express their concerns through the appropriate channels. Generally it will be appropriate to make disclosures internally, but there are provisions in the Act enabling disclosure to be made to external prescribed bodies, the police and the media. The Charity Commission is the regulatory body to whom workers can make appropriate disclosures on matters relating to the proper administration of charities and funds given or held for charitable purposes.

The Department for Business Innovations and Skills has produced a guide to the Act. This is available via their website at [www.berr.gov.uk](http://www.berr.gov.uk)

## When Should the Responsible Reporting Procedure be Used?

This procedure will apply in cases where a worker genuinely believes that one of the following has occurred or may occur while working on any of Autism Bedfordshire Services:

- A criminal offence
- A person is failing to comply with any legal obligation
- A miscarriage of justice
- The health, safety and welfare of any individual is being endangered
- The environment is being damaged
- Information tending to show any matter above is being deliberately concealed.

This procedure is appropriate where the worker has genuine concerns about malpractice, unsafe or unlawful activities within the scheme. It is not designed or intended to replace, or be used as an alternative to the Grievance Procedure. An employee who is aggrieved about his or her own personal situation should utilise the Grievance Procedure. Employees worried about wrongdoing may not have any personal issues of concern but may have concerns about the scheme. If so, consideration should be given to use of this policy and procedure.

Workers should be aware that the policy will apply where a worker reasonably believes that the information disclosed, and any allegation contained in it is substantially true. If any disclosure is made which is not substantially believed to be true, or if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the scheme’s disciplinary policies and procedures. It may constitute gross misconduct for which

summary dismissal is the sanction. Any individual acting in breach of the policy by victimising a worker for making a disclosure under the procedure will be subject to disciplinary action.

### What Should an Employee Do?

To raise or discuss any issues, as described above, the worker should contact their line manager, orally or in writing, who will treat the matter in strict confidence.

You must state that you are using the Whistle Blowing Policy and specify whether you wish your identity to be kept confidential

If, because of the nature of the disclosure, the worker does not feel comfortable making a disclosure to their line manager, the worker should speak to the Chairperson or a member of the Management Committee who will treat the disclosure in confidence.

It is likely that an investigation will be necessary and the worker may be required to attend a meeting or investigative hearing as a witness. You are entitled to be accompanied by a workplace colleague or union representative at any meeting 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. Whistleblowers should reveal their identity and measures can then be taken to preserve confidentiality as appropriate.

Appropriate steps will be taken to ensure that the worker's working environment and/or working relationships are not prejudiced by the fact of the disclosure. The worker will be fully consulted at all times. If you have made a disclosure in accordance with this policy and you are not satisfied with the investigation or its conclusion, you should write directly to the Chair of Autism Bedfordshire, Mrs. Lainey Miller.

While Autism Bedfordshire hopes that such disclosures will never be necessary, it also recognises that it may find itself in circumstances, which are new to it. Each case will be treated on its own merits.

### Investigation of Disclosure

Autism Bedfordshire is committed to investigating disclosures fully, fairly, promptly and confidentially where circumstances permit. Following your formal written disclosure, your line manager will acknowledge receipt within five working days and make appropriate arrangements for investigation. You may be required to attend an initial meeting in order to give your line manager further information.

The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the line manager 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 and, where appropriate, you will also receive a copy. If you are dissatisfied with the investigation or its conclusion then you should write to Mrs. Lainey Miller the Chair of the Board of Trustees or other suitable Trustee.

If a longer investigation is considered necessary, we will usually appoint an investigator or investigative team including personnel with experience of carrying out investigations or specialist knowledge of the subject matter of the disclosure. For example, if the disclosure concerns financial malpractice, the head of internal audit or the finance director may be asked to investigate. Separate personnel will be asked to make a judgment 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 will then be responsible for reviewing and implementing these recommendations.

So far as your line manager 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 timeframe for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

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.

### Assurance

Workers are encouraged to use the procedure where appropriate. A worker invoking the procedure in good faith to raise genuine concerns about the activity scheme will not suffer adverse treatment, victimisation as a result of his/her disclosure.

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

Workers who raise genuinely-held concerns under this procedure should not be dismissed or subjected to any detriment as a result of their disclosure. Detriment includes unwarranted disciplinary action, victimisation or threats. If you believe that you have been subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform your line manager immediately. If the matter is not remedied you should raise a grievance formally under the Grievance Procedure. Workers who victimise or retaliate against whistleblowers under this policy will be subject to disciplinary action.

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

Note: Before taking action for any but the most minor offences, advice should be sought. A copy of the Code of Practice on Disciplinary and Grievance Procedure is available in the Autism Bedfordshire Office and on the ACAS website ([www.acas.org.uk](http://www.acas.org.uk)).

### Contacts:

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| <b>Whistleblowing Officer</b>   | 01234 214871<br>enquiries@autismbeds.org   |
| <b>[Managing Director [OR OTHER TRUSTED INDIVIDUAL]]</b>              | Lainey Miller<br>01234 214871<br>enquiries@autismbeds.org  |
| <b>Public Concern at Work</b><br>(Independent whistleblowing charity) | Helpline: (020) 7404 6609<br>E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a><br>Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a> |