

POLICIES, PROCEDURES & GUIDELINES

HR40 – WHISTLEBLOWING

1. STATEMENT

- 1.1 Together is committed to maintaining the highest levels of quality, service user satisfaction, employee wellbeing and safety. Everyone has an important role to play in achieving this ambition and highlighting when this is not happening. This document sets out a procedure whereby staff, service users and volunteers can report their concerns to the organisation. It also encourages anyone to contact a Speak Up Guardian (listed at 3.2 below) if they are unsure, or unclear whether there has been a breach.
- 1.2 Staff are usually the first to know when someone inside or connected to the organisation is doing something that is not in line with our values or Model of Support but may feel apprehensive about voicing their concerns due to uncertainty about whether they will be taken seriously, or face negative consequences.
- 1.3 Together takes all concerns seriously and concerns will be investigated and handled fairly. We will ensure that whistle blowers are supported via access to the JNCC, a trade union representative, or a Together colleague. We will ensure people are regularly updated with details of the investigation into the matters that are raised.
- 1.4 Together has a number of impartial Freedom to Speak Up Guardians, whose role is to ensure people are supported to speak up and their concerns are investigated and dealt with fairly. Their contact details are available on the internal staff intranet and on Together's website.

2. ISSUES COVERED

- 2.1 It is impossible to give a complete list of the activities that would be concerns to be raised but broadly speaking, Together would expect employees, volunteers and service users to raise the following:
 - Conduct or behaviour not in line with Together's values
 - Services not being run in line with Together's expectations
 - Criminal offences
 - Failure to comply with legal obligations

- Miscarriage of justice
- Actions which endanger the health and safety of staff, service users or members of the public
- Actions which cause damage to the environment
- Actions which are intended to conceal any of the above

2.2 Sometimes, it may not be clear that a particular action falls within one of these categories. However, where unsure, you are encouraged to contact one of the people listed at 3.2 below .

3. THE PROCEDURE

3.1 Making the concern known

Reports can be made either orally or in writing. Together would normally expect employees or volunteers to raise their concerns with their Line Manager and service users can raise concerns with the Project Manager of the service they access. However, if the employee, volunteer or service user believes that the relevant Manager is either involved in the wrongdoing or is aware of the concern and is condoning the action, they should raise the issue with the next tier of management or a Freedom to Speak Up Guardian.

3.2 If you feel uncomfortable about making your report to a manager within their management chain, you can report it to one of the following:

- Freedom to Speak Up Guardians
- Nominated Trustee Representative
- Chief Executive
- Any member of the Senior Leadership Team
- Heads of Operation and Development
- JNCC representatives

3.3 All matters raised under this procedure will be dealt with as confidential information. Any information will only be based on a strictly “need to know” basis.

3.4 When raising the initial concern and throughout any subsequent investigation, you can be accompanied by a Freedom to Speak Up

Guardian, a colleague, JNCC member, trade union representative or a companion of your choosing. Before raising concerns under this procedure, you may want to discuss the issues informally with your local JNCC rep or a Freedom to Speak Up Guardian who are available to offer support in whatever form he or she feels appropriate.

3.5 Proving the Concern

Together does not expect you to have absolute proof of any issue that you report. However, you are encouraged to provide an explanation or proof of your concerns.

3.6 Anonymity

There is the option of remaining anonymous if you wish. However, we may not be able to ensure anonymity and there may be circumstances where disclosure is required by law. We will always discuss this with you first.

3.7 In exceptional circumstances, a concern may be raised anonymously. There may be a justifiable reason for this anonymity. As a result, the concern will still be investigated.

3.8 Investigating the concern

Once a concern has been received, you will receive an acknowledgement within 5 working days.

3.9 Together will carry out preliminary inquiries to decide the best way to proceed and to ascertain whether a full investigation is necessary. You may be directed to another policy depending on the nature of your concerns e.g. our Complaints or Grievance policies. All allegations will be investigated by a suitable person.

3.10 Keeping you informed and outcome

Together will provide you with details of the outcome of any investigation(s) and, where possible, any action that has been taken. The investigation should be completed within eight weeks and you will be kept informed where there are delays to the investigation.

3.11 Appealing against the decision

If you are unhappy with the outcome of an investigation, you have the right to appeal. You will be told at the outcome who any appeal should be submitted to, and this will be in accordance with appendix A to this policy. The appeals officer will determine whether there are grounds for appeal

and if there are, the most appropriate manner in which to approach this. You will be advised on an on-going basis of the appeal process and outcome.

3.12 If you feel you've been mistreated as a result of raising your concern, please contact any of the people listed at 3.2 above, Human Resources or a JNCC representative without delay.

3.13 Raising the concern externally

It may be that you do not feel that it is appropriate to raise the matter internally and you wish to raise your concerns with another organisation, such as a regulator, and you are within your rights to do so.

3.14 Together strongly advises that before reporting any concern externally, employees seek advice from one of the following:

- A trade union representative
- The Care Quality Commission (where relevant)
- Local Government and Social Care Ombudsman
- Public Concern at Work (020 7404 6609 or <http://www.pcaw.org.uk/>), an independent whistleblowing charity that promotes good practice, compliance with the law and accountability in the workplace

3.15 Service users may seek advice from:

- The Care Quality Commission (where relevant)
- Social Care Ombudsman
- Their care coordinator, social worker or CMHT
- An advocate

3.16 Where you have a concern about an employee working for an external organisation, you should raise the matter with your Line Manager who will ensure that your complaint is progressed promptly. If Together feels that it is necessary to raise the issue with the other organisation, it is likely that the complaint will be raised with the external organisation using their complaints procedure. If Together does not support the employee's concern and decides not to pursue the matter, the employee is able to raise the matter externally with one of the above organisations.

4. DATA PROTECTION



- 4.1 When an individual makes a disclosure, Together will process any personal data collected in accordance with its C5 Data Protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.