

The SENAD Group

Section 4 Public Interest Disclosures (Whistle Blowing)

Policy & Procedure (Employees)

Issue: May 2017
Reviewed: May 2018
Next Review: May 2019
Version: 4.0
Policy ref: 413.0
Owner: VF

Public Interest Disclosures (Whistle Blowing) Employee Policy

A) INTRODUCTION

1. Under certain circumstances, employees have legal protection if they make external disclosures about organisations for which they work. These employees are commonly referred to as 'whistle blowers' and their activities have often received wide publicity in the media.
2. An employee who believed, for example, that organisations were disposing of toxic waste illegally may have 'blown the whistle' directly to the press or television, perhaps because of concern for the environment, a belief that the organisation would attempt a 'cover-up' if asked to stop, or for financial gain. In more recent examples, staff within the NHS are being encouraged to speak out against poor standards of healthcare and treatment of hospital patients.
3. Employees, who blew the whistle on organisations, were often treated detrimentally by them or their employment was terminated. This discouraged employees from whistle blowing even where such action would be for the good of the public. Therefore the Public Interest Disclosure Act 1998 introduced legislation designed to protect employees from suffering any detriment or termination of employment for whistle blowing.
4. A later (2013) amendment to the 1998 Act through the Enterprise and Regulatory Reform Bill also means that employees are now protected from suffering any detriment (as a result of a Disclosure) that may occur from their colleagues.

Under the 1998 Act, employees or workers who raise concerns because they honestly and reasonably suspect that corruption and / or malpractice has occurred, or is likely to occur have a statutory protection against victimisation from the organisation and its employees and a protection from dismissal.

This policy expands on the 1998 Act, however the SENAD Group encourages staff to come forward internally first with any concerns or complaint by using the following processes:

- Use the concept of Professional Challenge – if appropriate
- The line management and supervision process

- The Grievance Procedure - if the concerns relate to how an employee has been treated at work
- Bullying & Harassment Procedure - as above, but where the concerns relate to bullying or the employee is the subject of unwanted or rude / offensive conduct

- Equal Opportunities Policy – where the concerns relate to a protected characteristic
- Safeguarding Policy and Local Complaint / Cause for Concern Procedures – where there are any concerns whatsoever in relation to the care and support of children, young people and residents
- The Control & Use of Clients Funds / Monies – as above but where the matter is finance (personal finance) related of those in our care.

In addition, the NSPCC have launched a Whistleblowing Advice Line to provide support to employees wishing to raise concerns over how child protection issues are being handled in their own or other organisations. More details can be found on the NSPCC website. Please also see the SENAD Safeguarding Policy and Procedure for more details in this area and the head office staff you may report concerns directly to.

B) QUALIFYING DISCLOSURES

1. Certain disclosures are prescribed by law as 'qualifying disclosures', these are protected for the purposes of the 1998 Act. Disclosures are qualifying disclosures where it can be shown that the organisation commits a 'relevant failure' by:-
 - a. committing a criminal offence;
 - b. failing to comply with a legal obligation;
 - c. a miscarriage of justice;
 - d. endangering the health and safety of an individual;
 - e. environmental damage; or
 - f. concealing any information relating to the above.
2. These acts can be in the past, present or future, so that, for example,

a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.

C) THE PROCEDURE

1. As stated, we encourage you in the first instance to report any concerns you may have to your Line Manager who will treat the matter with complete confidence. If you feel uncomfortable in doing this for any reason please report your concerns to a Human Resources staff member (at your location or at Head Office) and they will pass on your concerns to the appropriate, senior staff member or Head Office Manager. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate external organisation or body such as the Police, the Environment Agency, Health and Safety Executive, CCfW, ESTYN, OFSTED, CQC or Social Services Department – this list is not exhaustive.
2. If you do not wish to report your concerns to your Manager or local HR staff member you may take them direct to the appropriate organisation or body or directly to any Head Office Manager.

D) GENERAL NOTES

1. The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle blowing' and we take very seriously any concerns which you may raise under this legislation.
2. The later amendments prevent you from suffering any detriment from colleagues for 'whistle blowing' and if you have any concerns in this regard please report them immediately to Human Resources.
3. We encourage you to use this procedure, or the other listed processes above if you are concerned about any wrong doing at work. However, if your disclosure and the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to summary termination of employment or such lesser disciplinary sanction as may be appropriate in the circumstances.

The terms of this policy and procedure are for employees and workers in the SENAD Group, full details on the Concerns and Complaints Procedures for those in our care are also available on site and upon request.

This policy serves as an update to all previous related policies and the one given in the Employee Handbook.

B)