

The SENAD Group

Section 4 Disclosures and Confidential Reporting (Whistle Blowing)

Policy & Procedure (Employees)

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Disclosures & Confidential Reporting (Whistle Blowing) Employee Policy

A) INTRODUCTION

1. Confidential reporting is the disclosure or communication of information about possible malpractice by individuals or organisations. Disclosure can be either internal within the organisation or externally to an outside regulator or body.
2. This policy is intended to enable employees and workers to disclose information about malpractice internally and to provide those people with protection from victimisation, discrimination, harassment or any disadvantage as a result.
3. 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.
4. 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 (and later amendment) and makes clear the internal process and support systems for those making a confidential disclosure.

B) DISCLOSURES

Employees and workers are often the first to realise that there may be evidence or reasonable belief of malpractice within the workplace. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues / department / manager or workplace. They may also fear harassment or victimisation.

The SENAD Group expects anyone with a reasonable belief that malpractice is taking place within their workplace to come forward and voice those concerns internally. They may voice their concerns through a number of channels and use the one they feel most comfortable with.

An employee's concerns about malpractice may include a reasonable belief that one or more of the following has occurred or is likely to occur:

- Conduct which is an offence or a breach of law,
- Miscarriages of justice,
- Health and safety risks, including risks to the public as well as students / service users and other employees,
- Damage to the environment,
- The unauthorised use of public or company funds,
- Fraud and corruption,
- Sexual or Physical abuse of staff or those in our care,
- Other unethical conduct,
- A serious breach of company policy.

This list is not exhaustive.

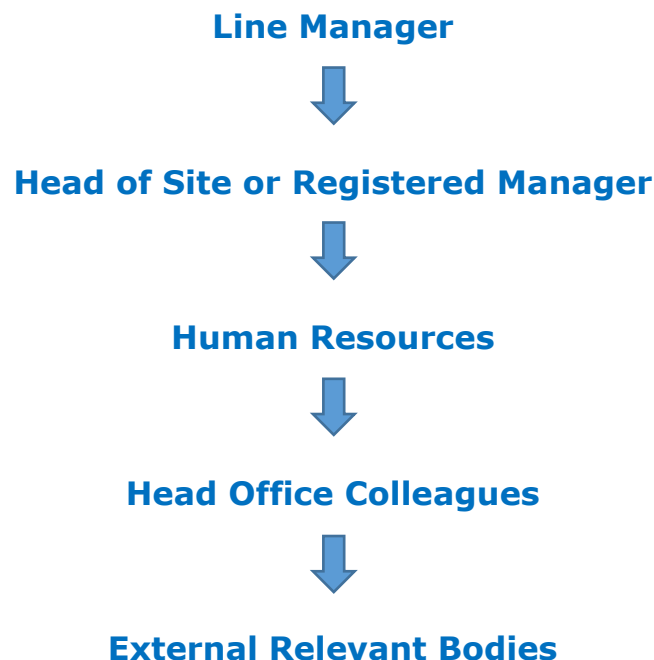
Certain disclosures are prescribed by law as 'qualifying disclosures', these are protected for the purposes of the 1998 Act. Disclosures are qualifying disclosures where it can be shown that the organisation commits a **'relevant failure'** by:-

- 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.

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.

Staff have a number of avenues to make a disclosure about possible malpractice:



Disclosures will be managed confidentially, and where an employee feels unable to talk to anyone above, they may also email: notify@senadgroup.com for a confidential email link to senior head office colleagues.

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.

It is in the interests of all parties that disclosures are dealt with properly,

quickly and discreetly. The overriding consideration for the company and the employee is that it would be in the public interest for any malpractice found to be corrected and, where appropriate, sanctions applied. Typically, Disclosures within the context of this policy address major concerns that fall outside the scope of other internal policy and procedures and where the interests of others, or of the Company are at risk. Other useful policies and procedures are given as reminders below:

- 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 someone is the subject of unwanted or rude / offensive conduct
- **Equal Opportunities Policy** – where the concerns relate to a protected characteristic
- The **Disciplinary Procedure** – where employee conduct falls below the standards expected and needs more formal investigation and intervention
- **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 or service users
- The **Control & Use of Clients Funds / Monies** – as above but where the matter is finance (personal finance) related of those in our care

C) MAKING A DISCLOSURE

This policy is designed to encourage you to feel confident in raising serious concerns and to question and act upon concerns about possible malpractice within the Company without retribution, it provides a means for you to disclose those concerns and receive feedback on any action taken.

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 the Head of Site / Registered Manager or a Human Resources staff member (at your location or at Head Office).

You may also report concerns directly to Head Office colleagues or via the notify@senadgroup.com email address.

You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action.

You should provide:

1. Details of your concerns, including the nature, dates and location of any relevant incidents.
2. Reasons why you feel concerned about the situation.
3. Any relevant witnesses or documentation that would help in the investigation process.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite a close colleague to be present during any meetings or interviews in connection with the concerns you have raised.

The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Company will seek further information from you.

All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity. However, you may need to come forward as a named witness and you will be given every support from management at that time.

You should put your name to your Disclosure whenever possible. Disclosures made anonymously will still be considered at the discretion of the Company. However, it is helpful to have your name in case further information is required.

In exercising discretion, we will consider:

- The seriousness of the issues raised.
- The credibility of the disclosure.

- The likelihood of confirming what is alleged from attributable sources.

If you make a disclosure in good faith that you reasonably believe is in the public or company interest, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action.

D) WORKING PROCEDURE

The company will respond to your disclosure. Where appropriate, the matters raised may be:

- a) investigated by management, or through the disciplinary process;
- b) referred to the Police or other external relevant body;
- c) referred to head office.

In order to protect individuals and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle the company will have in mind is the public interest. Disclosures for which there are other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures and as listed further above in section B.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this may be taken before any further investigation is conducted.

Within 10 working days of a concern being raised, you will typically receive a response:

1. acknowledging that the concern has been received;
2. telling you whether any initial enquiries have been made;
3. indicating how the matter is going to be dealt with;
4. giving an estimate of how long it will take to provide a final response;
5. supplying you with information on staff support mechanisms;
6. telling you why, if there is to be no further investigation.

If you do not receive an appropriate response within these timeframes please inform Human Resources.

The company will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the company will arrange for you to receive advice about the procedure.

You will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcomes of any investigation; and as far as reasonably practicable considering data protection and GDPR guidelines.

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, CIW, ESTYN, OFSTED, CQC or Social Services Department – this list is not exhaustive.

E) 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 and this wider policy.
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.