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Whistleblowing Policy

Introduction and Context

Positively Disabled N E Lincs is committed to the highest considerable standards of openness, honesty and accountability. In line with that commitment we expect employees, volunteers, and anyone associated with the organisation who have serious concerns about any aspect of practices encountered within the organisation to come forward and voice those concerns without fear of reprisals. This Policy is to support staff, members and volunteers wanting to raise such issues. It is recognised that certain cases will must proceed on a confidential basis.

This policy considers the provisions of the Public Interest Disclosure Act 1998 and Prevent Strategy 2015. The Public Interest Disclosure Act 1998 provides legal recourse for the person raising the concern should they feel they have been treated unfairly because of "whistleblowing". A purpose of the policy is to give staff members and volunteers the confidence to come forward and raise issues of concern. The Prevent Strategy 2015 is part of our overall counter-terrorism strategy. The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. In the Act this has simply been expressed as the need to "prevent people from being drawn into terrorism".

The issues covered by the policy include things that may be:

- Unlawful
- Involve fraud, dishonesty
- Involve acts of terrorism, extremism and radicalisation
- Contrary to the Constitution
- Is against policies and procedures
- Is seen as improper conduct
- Endangers the health and safety of staff, volunteers or users

Aims

This aim of this policy is to provide safe and confidential avenues for all staff, volunteers and those associated with the organisation to raise concerns and receive feedback over malpractice including those of safeguarding, prevent duty, social care, corruption and financial irregularities occurring within Positively Disabled Group. It will create a broader understanding of issues facing the organisation and raise awareness amongst all staff members and volunteers of the opportunity to raise issues of concern. It will result in:

- Staff members and volunteers being aware of how to express concerns in regards to suspicion of bad practice
- A recognition that systems are in place to prevent victimisation and / or intimidation of learners, staff members and volunteers who raise concerns in good faith
- A recognition that systems are in place to prevent acts of terrorism, extremism and radicalisation of learners, staff members and volunteers

An atmosphere that enables and encourages staff members and volunteers to raise serious concerns

- A clear and understandable process regarding taking issues of concern further if they are not satisfied with the response and provide feedback at all stages regarding progress being made.

Safeguards

Harassment and Victimisation

The organisation recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The organisation will not tolerate harassment or victimisation and will take action to protect the person raising the concern when they raise a concern in good faith. This does not mean that if the person raising the concern is already the subject of disciplinary or other organisational procedures, that those procedures will be halted as a result of their whistleblowing.

Prevent

Individuals who recognise a potential act or act of terrorism, extremism or radicalisation. The organisation will follow the channel process and refer any concerns to the local Channel panel that will be completed by our Safeguarding Officer.

Confidentiality

It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

Anonymous Allegations

This policy encourages the person raising the concern to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an allegation is made but subsequently, following an investigation, not upheld then no action will be taken against the instigator providing they:

- Have acted in good faith;
- Believe that the information disclosed, and any allegation contained in it, is substantially true; and
- Have not acted for personal gain.

It should be noted that if a malicious or false allegation is made, disciplinary action may be considered.

Guidelines

Raising a concern

All concern should in the first instance be raised with the operations manager however if you feel unable to raise the matter with the operations manager for whatever reason or operations manager is absent, then the matter should be raised with either of the following:

- The Chief Officer
- The Safeguarding Officer

In the event of a safeguarding/prevent issue whilst working with children / young people after hours (5 – 9 p.m. and 10am – 3p.m. on Saturdays and holiday schemes) all concerns should be raised in the first instance with the Safeguarding Officer.

Whenever possible, concerns should be raised in writing and should set out the background and history of the concern, giving names, dates and places if known, as well as the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can telephone or meet the appropriate manager.

The earlier the concern is expressed, the easier it is to take action. Although those raising a concern will not be expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Individuals may seek advice and support, and also invite their Trade Union or professional association to raise a matter on their behalf. This would be welcomed and encouraged by the organisation.

How the allegation will be dealt with

The action taken by the organisation will depend on the nature of the concern. The matters raised may:

- Be investigated internally. Any investigation will be undertaken paying due regard to confidentiality.
- Be referred to the Police.
- The Local Authority prevent lead
- Be referred to the external Auditor.
- Form the subject of an independent inquiry by the Ombudsman.

In order to protect individuals and the organisation, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of other existing procedures (e.g. child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The organisation will write to the complainant within a maximum of 10 working days of a concern being received;

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling them whether any initial enquiries have been made; and
- telling them whether further investigations will take place, and if not, why not.

N.B. In certain high-risk situations, i.e. child protection concerns, interim action may already have been taken.

The amount of contact between the body considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.

When any meeting is arranged, the person raising the concern has the right, if they so wish, to be accompanied by a Trade Union representative, workplace representative or a work colleague or a personal supporter who is not involved in the area of work to which the concern relates.

The organisation will take steps to minimise any difficulties, which the person raising the concern may experience as a result of raising a concern. For instance, if the person raising the concern is required to give evidence in criminal or disciplinary proceedings, the organisation will advise and support them through the procedure.

The organisation accepts that the person raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigations.

Alternative methods of taking forward a complaint

This policy is intended to provide the person raising a concern with appropriate avenues to raise those concerns internally with the organisation whenever possible however, if an individual feels it is right to take the matter outside this process, the following are possible contact points:

- Individuals' solicitors.
- Your Trade Union or professional association – employees may invite their Trade Union or professional association to raise a matter on their behalf.
- The Police – suspicions of fraud or corruption may be reported directly to the Police.
- Public Concern at Work – this is a charity, which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest.
- The Health and Safety Executive.
- Any other relevant Inspectorate or regulatory body
- National Care Standards Commission,

If the person raising the concern does take the matter outside the organisation, they need to ensure that any disclosure is made in a reasonable and responsible way. A disclosure will be protected, even if it is proven to be unfounded, as long as it was made in good faith. This can be checked with the Ombudsman who will also advise on ways to proceed.

Agreement

All company employees required to sign an agreement confirming their understanding and acceptance of this policy.

This information is also available in other formats, languages and picture format upon request.