



POLICIES & PROCEDURES

WHISTLEBLOWING POLICY



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INTRODUCTION

The purpose of the policy is to set out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with by New Start.

The Whistle Blowing Policy does not replace New Start's Grievance Procedure or Complaints Procedures.

The aim of this Whistleblowing Policy is:

- To encourage employees to feel confident in raising serious concerns and to question and act upon their concerns.
- To provide ways in which employees can raise their concerns and get feedback on any action as a result.
- To ensure that employees get a response to their concerns and that they are aware of how to pursue them if they are not satisfied with any actions.
- To reassure employees that if they raise a concern in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

SCOPE

This policy covers all persons employed by, or working for Justine Chew, this includes permanent and temporary staff, volunteers, work placements, contractors, sub-contractors and external bodies. If there is a genuine concern, the policy is at the disposal of any person working for the organisation or its contractors.

POLICY PRINCIPLES

What is Poor practice or Wrongdoing?

Employees are encouraged, and expected, to report poor practice or wrongdoing and could in certain circumstances be subject to disciplinary action if they know of this and do not report it.

Although the following is not necessarily an exhaustive list of the range of issues in relation to which staff may raise concerns under the policy, it gives an indication of the situations which should be raised:

- Fraud or financial irregularity

- Corruption, bribery or blackmail
- Criminal activity
- Failure to comply with legal or regulatory obligations
- Failure to comply with appropriate professional or other established standards
- Miscarriage of justice
- Endangering the health and safety of an individual
- Bullying and harassment
- Unfair discrimination in New Start's employment or services
- Endangering the environment
- Abuse of power, or improper use of authority for any unauthorised or ulterior purpose
- Failure to take reasonable steps to report and rectify any situation which is likely to cause a significant avoidable cost, or loss of income to New Start or would otherwise seriously prejudice New Start
- Failure to draw relevant matters to the attention of Senior Management and/or HR or failure to comment appropriately on matters within an employee's responsibilities which might significantly affect an action or decision of, or on behalf of New Start
- Concealing of information in relation to any of the above

Independent Support and/or Advice:

If any employee is unsure about the use of the Whistleblowing Policy or requires independent support and/or advice at any stage of the process, Justine strongly encourages the use of an independent organisation that can offer free, practical, and informed legal advice about how to raise concerns of malpractice or wrongdoing at work.

Confidentiality

All reports received under the provisions of this policy will be treated with the maximum degree of confidentiality. This commitment of confidentiality cannot, however, be extended to matters raised which involve an illegal act or which involve a risk to the public interest. It shall be the responsibility of the person receiving the report to specify the limit of their ability to ensure confidentiality.

If it is necessary in dealing with the matter raised to disclose the identity of the individual raising the matter, this will be discussed in full with the employee concerned, and the identity of the individual will not be disclosed without the individual's consent. Wherever possible, reports to third parties will be anonymous, and disclosures otherwise will be on a strictly 'need to know' basis.

Responding to a Concern

Any person who receives a report of a concern from an employee under the provisions of this policy must:

- Treat the report seriously and ensure that the matter is investigated immediately, thoroughly and without bias.
- Be informed of, or establish, any personal interest the whistle-blower may have in the concern raised.
- Establish the bias in which the concern rests.
- Enquire about, and establish if possible, what evidence there is for the concern.

A decision should then be made as to whether the concern falls within this procedure or one of the companies other procedures e.g. Grievance Procedure, Complaints Policy, Health and Safety Policy etc.

It is the responsibility of the person receiving the complaint to establish and record the basis of the concerns that have been raised and establish what further actions are required. They should then take action in line with the

company's policies and procedures. If a matter is of serious or grave concern immediate action needs to be initiated following the complaint.

The employee raising the concern will be advised of the outcome of the investigation as soon as possible, normally within ten working days of the date of disclosure. Employees will be reassured that they will not be subject to any victimisation, or intimidation by another employee as a result of raising their concern.

Certain investigations may need to be carried out under the terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected unlawful conduct. In some other cases, it may not be possible to detail the precise action taken, especially where this would infringe a duty of confidence owed to someone else.

Where a longer period is needed for investigation, the member of staff will be informed in writing. If it is necessary to investigate a complaint further, procedures must be put in place within one month of the concern being raised. It is the responsibility of Justine Chew to ensure that action is taken and that this timeframe is adhered to.

New Start will also try to minimise any negative effects of an allegation being investigated and not confirmed.

Anonymous Disclosures

Anonymous disclosures can be difficult to investigate and for that reason, cannot always be given the same consideration as attributed disclosures. In considering whether any action is to be taken, the seriousness and credibility of the allegations will be taken into account as will the feasibility of investigating them and the reason(s) for anonymity being requested.

Support and Safeguards

It can be difficult for employees to raise concerns and Justine Chew aims to support those who do so and to take steps to ensure that they are not victimised or harassed. An employee that raises concerns in good faith will not be penalised by New Start e.g. in relation to general treatment or to any job or promotion application, or any request for a reference.

This procedure does not override or affect an employee's rights to protection under the provisions of the Employment Rights Act 1996 inserted by the Public Interest Disclosure Act 1998. The act states '*A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure*'.

Justine will not tolerate the discrimination, bullying, harassment or victimisation of a whistleblower (including informal pressures) and will consider this a serious disciplinary offence, which can lead to dismissal. In such instances a complaint can be raised under the Grievance Procedure.

PROCEDURE

The following provides a framework for employees to raise concerns at various levels within the company and it is hoped that employees will feel able in many cases to raise their concern in the first instance with their line manager and/or HR.

The stages outlined below however are not necessarily sequential, and any employee may raise a concern at any stage of the procedure, without having utilised the previous stages.

It is recognised that employees may not wish to raise their concerns with their line manager and employees are therefore able to raise their concern at any time with any manager within the company and/or HR and that person will be responsible for responding to the concern in accordance with the policy.

Employees are entitled to be represented by a trade union representative/fellow colleague at any stage of this procedure.

All reported allegations/incidents will be investigated thoroughly and will be dealt with in confidence, with only staff that need to know, being informed.

Stage One

Any employee who has reasonable suspicions of poor practice or wrongdoing should initially take their concerns to their line manager, preferably in writing.

If the complaint is against the person with whom the concern would normally be raised, the employee can approach another manager within the organisation.

Stage Two

If any employee feels unable to raise the matter with their line manager, the concern should be raised with the Senior Management Team and/or HR in writing.

Stage Three

If following the use of either, or both of the above stages, the employee still has concerns, they should write to the companies Board of Trustees.

Whilst concerns may be raised verbally it is helpful to have details in writing.

All employees need to do is raise any concerns of poor practice, illegal acts or omissions of duty; it is the company's responsibility to investigate them.

Justine hopes that this policy provides employees with the confidence to raise any matters of concern internally, however, the organisation recognises the lawful rights of employees under the Public Interest Disclosure Act 1998 to report concerns directly to the appropriate external body in certain circumstances if:

- They have raised the matter within the company and they are not satisfied that the concern has been appropriately dealt with.
- They have cause to feel that the matter would not be taken seriously, or that it would be 'covered up', or that they would be victimised.
- The matter is of such an exceptionally serious nature that it warrants being raised externally.

In this instance, employees may need to consider taking matters to the appropriate outside body, i.e. the Police, Supporting People, Health and Safety Executive etc.

Misuse of the Procedure

Disclosures should not be made by an employee for personal gain. Whistleblowing is only for the purpose of raising concerns about possible wrongdoing and should not be seen as a substitute for existing procedures. Grievances, complaints and discipline issues should be raised using the appropriate procedure.

Any employee that uses this policy to deliberately make accusations they know to be false or unfounded, whether frivolously or maliciously will be open to the full disciplinary process. Justine will also take action against any employee inventing or otherwise falsifying facts in order to make a complaint.

FURTHER INFORMATION

Monitoring and Reviewing

Justin will review the Whistle Blowing Policy on at least an annual basis, or sooner depending upon law and legislation to ensure that the organisation is operating fair and lawful employment practices.