

# Whistleblowing Policy

Public

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5/9/23	V8	Change of template and to key parts of policy, i.e. collaborative approach, guarantee of confidentiality, organisational structure for dealing with concerns.

<b>Adjoining or Referenced Policies, Procedures, Guidance</b>
Bullying and Harassment Policy
Code of Conduct
Grievance Policy
Disciplinary Policy
Safeguarding Adults Policy

## Contents

1. Accessibility.....	3
2. Scope .....	3
3. Key Definitions .....	3
4. Roles and Responsibilities .....	4
5. Whistleblowing.....	5
6. Training and Monitoring.....	8
7. Equality Impact Assessment.....	8
Appendix 1.....	9

## 1. Accessibility

At Social Interest Group (SIG), we ensure everyone has equitable access as far as practicable to our policies and procedures. If you need this policy in a different format, please contact the author via [enquiries@socialinterestgroup.org.uk](mailto:enquiries@socialinterestgroup.org.uk)

## 2. Scope

This policy sets out the culture and approach to whistleblowing at the Group. It applies to all employees, staff, temporary workers, volunteers, participants and their families or care givers. The Group extends this whistleblowing policy to the partner agencies we work with. It details how we perceive whistleblowing, how to raise it, how we will handle it, and how we will work to prevent any negative consequences including victimisation.

## 3. Key Definitions

**Whistleblowing** is when a worker or associate raises a concern with someone in authority – internally and / or externally (e.g. with regulators, MPs) – about wrongdoing, risk or malpractice which affects others. The defining features of whistleblowing are as follows: that the risk being described is to others, the ‘whistleblower’ provides a tip off or advises that they are a witness, and a pragmatic approach is taken to investigate and remedy the problem. The problem is always raised in the public, rather than private, interest.

**Grievance** is when the perceived risk is to the person raising the problem and there is a need for that person to prove their case. There is a specific process to be followed set out in organisation policy and procedure, and private redress is usually sought. If a concern is raised which is defined as a grievance it will be discussed with P&C who will then discuss how to progress down that route.

**Public Interest Disclosure Act (PIDA)** is the law which protects whistleblowers from negative treatment or unfair dismissal. It is part of the Employment Rights Act 1996 and makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern. Note – nonworkers (e.g. volunteers, contractors, participants) are not protected by PIDA but are covered by this policy.

**Public Interest** usually means that the concerns have a wider impact than it just being a private matter between two people. It will depend on the number of people impacted, the nature and extent to which people’s interests are affected, the nature of wrongdoing and the identity of the alleged wrongdoing as to whether it is deemed ‘public interest’ but it usually includes concerns such as bullying, fraud, discrimination or sexual harassment.

**Reasonable belief;** where a genuine concern has been raised it is usually easy to demonstrate reasonable belief. As a whistleblower you do not need to be right about your concern, nor do you need to prove it, just that you have reasonable basis or grounding for believing there has been some wrongdoing. That is enough and it will not matter if the whistleblower is later shown to be mistaken. The Group is aware that very rarely malicious allegations may be raised, in which case a further investigation may be warranted.

**Prescribed Persons** are people or organisations outside of SIG that certain types of whistleblowing concerns can be raised to. For our organisation (and depending on the nature of the concern) this includes an MP, the Charity Commission, the Information Commissioner, the Health and Safety Executive, the CQC (for services registered with them), and the Regulator of Social Housing (for properties registered with them).

**Confidentiality** is ensuring that what is disclosed is kept private and shared only with agreement, and only with those who need to know in the organisation (e.g the investigator). If there is a statutory case to share information (for example a safeguarding concern is raised or criminal offence committed) then we would also have a duty to share with those relevant external bodies.

## 4. Roles and Responsibilities

**All staff** have a responsibility to raise concerns under the whistleblowing process when they see wrongdoing. Whilst we understand that it is often difficult or awkward to speak up, or that you may feel unwilling to speak out about those you work closely with, we assure you that any fact-finding into these concerns, often call an investigation, will be undertaken in a sensitive and collaborative way with you.

**All Managers** (Service Managers, Heads and Directors) will understand the Whistleblowing Policy in detail and the differences between whistleblowing, grievances, and performance management. They will be able to respond to concerns in a sensitive way, seeking confidential advice from Whistleblowing Champions if they think it may be a disclosure covered by the whistleblowing process, and from P&C if they identify it as possible grievance or performance management. Sometimes it may be helpful to speak with both Whistleblowing champions and P&C parties to gain a full view of the matter.

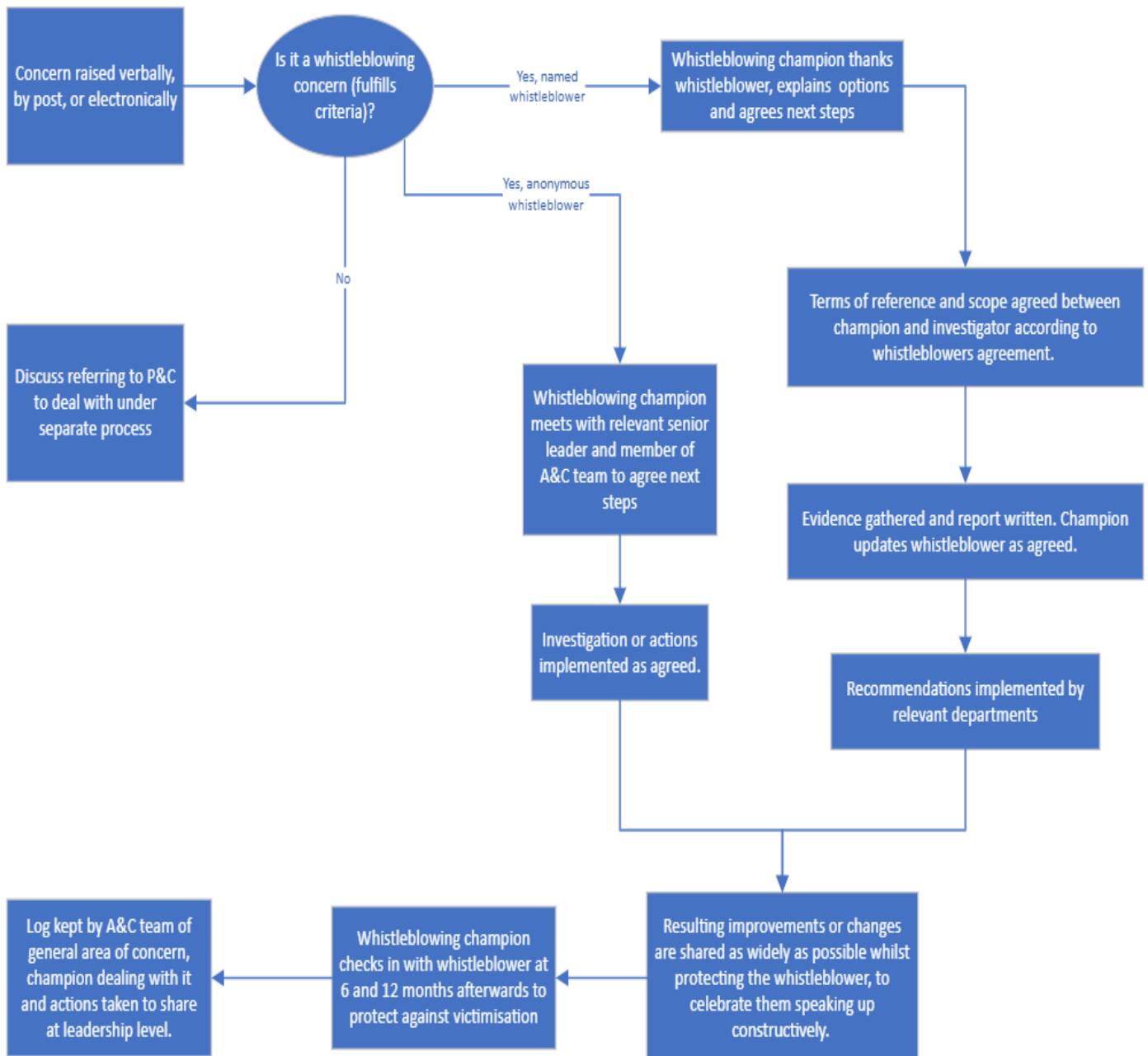
**P&C Team** will understand the Whistleblowing Policy in detail and the differences between whistleblowing, grievances and performance management. They will be able to respond to concerns in a sensitive way, seeking confidential advice from whistleblowing champions if they think it may be a disclosure covered by the whistleblowing process.

**Whistleblowing Champions** (see Appendix 1 for names and contact details) are volunteers from within the group who have expressed an interest in taking on the role and have undergone full training to enable them to fulfil the role. They have a duty to understand the whistleblowing policy in detail and handle concerns brought to them confidentially. They will thank the whistleblower for raising concerns and agree on the setting up of an investigation to find a resolution. They will also discuss and agree any steps which might be necessary to protect the whistleblower. They will keep the whistleblower's wellbeing at the centre of the process and ask for their feedback at the end. They will follow up with whistleblowers at 6 and 12 months after conclusion of the process to ensure their ongoing wellbeing in the organisation.

**Investigators** will be a member of the Audit and Compliance team (A&C). If A&C are not appropriate (for example, if the whistle is being blown on that team), or if the whistleblower prefers, a different investigator may be appointed. They will agree the methodology and mechanism of the investigation with the whistleblower and keep them updated through the process as far as is practical and considering the confidentiality of others.

## 5. Whistleblowing

Within the Group we recognise that whistleblowing is a part of good working practice, an important part of recognising when there are problems brewing in an organisation, and a constructive route of identifying and remedying them. We are creating a strong whistleblowing culture providing our staff, participants and partners with a clear message that there is a safe alternative to silence. We welcome and hope for frequent contact regarding any concerns as our 'normal' and hold ourselves accountable for our handling of these concerns. The Group's interests are best served by prioritising whistleblower's interests.



## Raising a concern

You can raise your concern either verbally or in writing, via post or electronically. Our Whistleblowing Champions have a broad range of experience and understanding of the Group's activities and services and whistleblowers may choose who to approach based on these. Please see Appendix 1 for a list of Whistleblowing Champions and how to contact them.

When you raise your concern with us we will:

- maintain your **confidentiality** (see definitions)
- **thank you** for raising your concern
- **support you** through next steps
- **explain** your options
- **set** expectations

Your decisions will steer how we deal with your concern, and the only scenario in which your confidentiality would not be protected is if the law compelled us to disclose it. The process will protect confidentiality as the primary aim when that is the whistleblower's preference, and will determine what steps of investigation and action can and cannot be taken. We will be open and honest about this with you, and the risks and benefits of each. If a manager or team member takes steps to discover and / or reveal the whistleblower's identity this would be dealt with under gross misconduct.

We hope that assuring your safety and confidentiality will support you in raising your concerns internally, and feel able to identify yourself to our whistleblowing champions. If you prefer to remain anonymous you can provide your concerns in writing to the postal address at head office, however this will prevent us from supporting you through the process and may limit our ability to act and resolve your concerns.

There are external parties (prescribed persons) who you can raise your concerns to if it is in the public interest and in certain circumstances however you should be aware that ACAS (the Advisory, Conciliation and Arbitration Service) recommend that it is best to raise your concerns internally first as in most cases this will mean your concerns are dealt with quickly and by the best person possible (link here: **How to make a disclosure - Whistleblowing at work - Acas**). External parties you could whistleblow to are:

- A legal advisor
- An MP – you can raise any concern in the public interest to an MP
- The Charity Commission – about proper administration of the organisation or funds
- The Information Commissioner's Office – about compliance with data protection
- The Health and Safety Executive – about health and safety of individuals at work or the health and safety of the public in connection with persons at work
- The CQC - for services registered with them
- The Regulator of Social Housing - for properties registered with them

In order to raise concerns to a prescribed person it must 'qualify' under one of the following and you must follow their procedures to do so:

- a) a criminal offence
- b) the breach of a legal obligation e.g. neglect of duty
- c) a miscarriage of justice
- d) deliberate breach of health and safety legislation
- e) damage to the environment
- f) deliberately covering up any of the above

## Investigating a concern

We undertake to involve you in how we investigate and resolve your concerns. The investigation will be conducted in a way that protects the whistleblower, provides evidence, finds out whether wrongdoing took place, and facilitates the organisation to learn lessons. The investigator will clarify allegations, gather evidence, establish facts, conduct any relevant further enquiries and produce a written report.

Terms of reference and scope will be agreed according to what the allegations are, any specific confidentiality requirements, any policies which apply, and taking into account data protection requirements.

We will keep your welfare at the centre of the process and ask for your feedback at the end. Agreement will be reached about how and when you are updated on the progress of your concern; this will not be a structured process but agreed on a case by case basis.

## Protecting our whistleblowers

The most important function of this policy is that our whistleblowers are confident in our undertaking as an organisation to protect them, since without that we cannot create a safe speak up culture. The whistleblowing champion handling the case will remain the point of contact for the whistleblower and enable them to report any subsequent ill feeling, for example harassment, intimidation, ostracism, unwarranted changes to duties or hours as a result of the process that they have initiated during the investigation and after its conclusion. Any such detriment will be dealt with decisively.

SIG will take all practical and reasonable steps to prevent victimisation or harassment, including steps suggested by the whistleblower, for example, a secondment or temporary change of duties may be appropriate. Again, agreement will be reached, monitored and reviewed about how the whistleblower is protected. On receiving a whistleblowing concern, a risk assessment of victimisation will be undertaken with the whistleblower, and revisited throughout the process and again at 6 and 12 months afterwards. If you feel that you may be being victimised as a result of whistleblowing you should contact a whistleblowing champion in the first instance. It does not have to be the whistleblowing champion who first handled your concern.

## 6. Training and Monitoring

Training will be provided to all managers, the P&C team, the A&C team, and the whistleblowing champions. Refreshers and updates will also be provided to these teams on a regular basis; at least annually. Whistleblowing champions refreshers will be provided every 6 months. Whistleblowing will be part of the A&C content at induction for all colleagues and specifically for managers. Monitoring will take place through audits of services, feedback from whistleblowing champions and whistleblowers throughout the process.

## 7. Equality Impact Assessment

EIA Question	Answer and mitigations
Who is affected by this policy?	All employees, staff, contractors, volunteers, agency workers, participants, residents, commissioners, partners, and trustees are affected by this policy.
Who is intended to benefit, and how?	Everyone is intended to benefit from having a strong and safe speak up culture, and this policy lays the foundation for that.
Could there be a different impact or outcome for some groups?	Successful implementation of this policy would mean there is no difference in impact of this policy across groups.
Does this policy/procedure include making decisions based on individual characteristics, needs or circumstances?	No
Are relations between different groups likely affected by what you are doing? Will it favour one group or deny opportunities to others?	No
Is there any specific, targeted action to promote equality? Is there a history of unequal outcomes?	This policy has specific targeted action to address inequalities of access and impact by facilitating a safe speak up culture.



## Appendix 1

Whistleblowing Champions:

**Norman Alcide;** 07891 690 540 [norman.alcide@socialinterestgroup.org.uk](mailto:norman.alcide@socialinterestgroup.org.uk)

Norman has worked for over three decades with a variety of Homelessness Agencies & Trade Unions, his commitment to the fair treatment of Participants', Residents' & Staff remains unchanged and is authentically invested in SIG becoming widely recognised as great place to work.

**Victoria Sweetman;** 07805 739 037 [Victoria.sweetman@socialinterestgroup.org.uk](mailto:Victoria.sweetman@socialinterestgroup.org.uk)

Victoria has 20 years of Health and Social Care experience. Victoria is passionate about providing safe and high-quality services having overseen residential and community-based provisions for multiple disadvantage and complex needs. She is Best Practice Lead with a specialism for women and trauma. Victoria advocates for lived experience within services whilst recognising the impact of vicarious trauma and resilience that the sector can bring.

**Philippa Nancoo;** 07580 327 454 [Philippa.nancoo@socialinterestgroup.org.uk](mailto:Philippa.nancoo@socialinterestgroup.org.uk)

Philippa has a background in law and has been an advocate for people at all stages of the criminal justice system as well as representing individuals at employment tribunals. In previous roles she has held the post of union representative and, now, as a trainee psychotherapist, she interacts with people in a trauma informed and person centred way.

**Sabrina Lee;** 07805 739 169 [Sabrina.lee@socialinterestgroup.org.uk](mailto:Sabrina.lee@socialinterestgroup.org.uk)

Sabrina has a background in mental health, complex needs/dual diagnosis, leading on safeguarding concerns and creating healthy team cultures. She has good knowledge and experience of investigations as well as promoting staff wellbeing and best practice.

**Tricia Medford;** 07805 739 017 [Patricia.medford@socialinterestgroup.org.uk](mailto:Patricia.medford@socialinterestgroup.org.uk)

Tricia, I have 5-7 years' experience working the frontline and over 10 years' experience in management, she has managed services, from homelessness, mental health and women's services, she has knowledge of SIG policies/ procedures, as well as investigation & safety reviews.

**Kenny Sehmi;** 07740 948 708 [Kenny.sehmi@socialinterestgroup.org.uk](mailto:Kenny.sehmi@socialinterestgroup.org.uk)

Kenny has a background in criminal justice services and has worked in probation, prisons, and SIG services in frontline and management. He is a keen advocate for participants and staff and committed to equitable and fair opportunity; also serving as an EDI ambassador.

Head office postal address: (please address to one of the above or FAO Whistleblowing team)

1, Waterloo Gardens, Milner Square, London N1 1TY