



WHISTLEBLOWING POLICY

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Introduction

Diverse Abilities is committed to the highest standards of openness, probity and accountability. All employees at Diverse Abilities should feel that they are able to raise legitimate concerns within the Organisation, that such concerns will be listened to, and that they need have no fear of victimisation, subsequent discrimination or disadvantage.

Diverse Abilities fully acknowledges the right of an individual to openly address legitimate concerns. At the same time, it has a responsibility to ensure the right of the Organisation to safeguard itself from false allegations and malicious acts.

Definition

For the purposes of this policy and procedures, 'Whistle blowing' is defined as 'the disclosure by an employee of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace be it by the employer or his fellow employees'. (Lord Barrie QC)

Concerns raised may include, for example:

- Fraud and corruption
- Health and safety risks
- Unethical conduct
- Dangerous/unsafe working practices
- Conduct which is an offence or breach of the law
- Disclosures relating to miscarriages of justice
- Inappropriate or abusive behaviour of anyone in relation to the people supported by Diverse Abilities
- The unauthorised use of public funds
- Malpractice of any description

The above list is not exhaustive.

Aims

It is the aim of this policy to:

- encourage employees to raise any concerns they may have in respect of malpractice
- outline clear procedures which can be followed to allow the raising of concerns in respect of malpractice
- encourage probity and good practice to reassure employees that they will be protected from victimisation, discrimination or disadvantage in circumstances where they have raised legitimate concerns in good faith.

Who is responsible for Whistle blowing?

It is the responsibility of all employees to 'blow the whistle' wherever they have concerns and feel there is a need to do so.

Protection of the whistle blower

Where concerns have been raised in good faith, the line manager should do their best to ensure that the employee is protected from harassment, victimisation, discrimination or disadvantage in any way.

Any attempt to breach the protection of a whistle blower will be viewed very seriously by Diverse Abilities.

Confidentiality

Confidentiality will be respected at all times and the identity of a whistle blower will not be revealed, without their specific consent unless it is essential to do so, for example where Diverse Abilities has a legal obligation.

The Head of Business Resources will hold overall responsibility for maintaining a confidential record of concerns raised, investigations and outcomes.

When to raise a concern

If you have any concerns at all, you should raise the matter with your line manager immediately.

How to raise a concern

You should initially speak to your line manager. You should do this even if you feel you have been a party to the alleged issue of concern in a minor way.

In circumstances where it is thought to be inappropriate to bring the concerns to your line manager (for example, where a line manager is allegedly a party to the concern exposed), you should take your concern to another Senior Manager or a member of the HR team. If this is not appropriate, you should raise your concern with a Trustee of Diverse Abilities.

In the extreme circumstance that you feel that the entire Organisation is allegedly party to a concern you wish to expose, you should take your concern to the LADO, CQC, or Ofsted.

If you are raising a concern, you may be accompanied by a work colleague or Trade Union representative, as appropriate.

How Diverse Abilities will respond

Diverse Abilities will respond according to the nature of the concern raised.

Line managers should be aware that sometimes the decision to disclose information may be a difficult one. The individual raising a concern should therefore be reassured that they will be listened to sympathetically, supported, and their concern will be taken seriously.

The manager handling any investigation should write to the individual who raised the concern within ten working days of it being brought to his/her attention, acknowledging it and:

- indicate how the matter is being dealt with
- where possible provide an explanation of proposed action(s) to be taken
- provide information on employees support mechanisms

When a concern is raised, the manager should immediately meet with the individual raising the concern to make an accurate record of the full facts.

The Investigating Manager will undertake an initial evaluation which may include referral to other authorities, such as the police or the LADO, internal audit, external audit, or other actions as appropriate and dependant on the nature of the concern.

Some concerns may be resolved without further investigation. However, it may be necessary to take urgent action prior to the completion of an investigation, for example suspension of employees.

Where circumstances warrant the dismissal of employees from their post, we will take appropriate action in accordance with its Disciplinary Procedure.

When investigations have been completed and action agreed, the individual raising the concern will be provided with feedback. This will be undertaken with due regard to issues relating to legal constraints and confidentiality.

In the event of dissatisfaction

If you feel that a concern you have raised has not been dealt with appropriately, you should express this in writing to the Chief Executive who will respond within ten working days.

Taking the matter further

You should not take a concern outside the organisation without having first exhausted all channels for dealing with the matter within Diverse Abilities, as any decision to do so may be regarded as a breach of confidentiality.

In circumstances, where you feel the internal regulatory practices of Diverse Abilities have failed to address a concern appropriately and it is necessary to take a concern outside of Diverse Abilities, unless you feel you have justifiable reasons for not doing so, you should seek advice from the Chief Executive in respect of the disclosure of confidential information prior to doing so.

If you have appealed to the Chief Executive and/or Chair of the Board of Trustees and feel that Diverse Abilities has failed to address the concern appropriately, you can take it to the relevant regulatory body.

False or malicious allegation

If you make an allegation in good faith and it is not confirmed during the course of an investigation, no action will be taken against you, nor will harassment, victimisation, subsequent discrimination or disadvantage to you be tolerated.

If an allegation is found to have been made falsely or in a malicious way, or for personal gain, this will be taken very seriously and disciplinary action may be taken accordingly.