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1.0 OBJECTIVES

This policy applies to all employees and Directors of the Company. Other individuals performing functions in relation to the Company, such as agency workers and contractors, are encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of the Company is reported and properly dealt with. The Company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

Compliance: This policy complies with all relevant regulations and other legislation as detailed in the *Compliance with Regulations & Legislation Statement*.

2.0 QUALIFYING DISCLOSURES (PROTECTED DISCLOSURES)

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A **qualifying disclosure** is one made in the public interest by an employee who has a reasonable belief that the following is being, has been, or is likely to be, committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The Company encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the Human Resources department. Detailing concerns in a daily diary or log are not advisable, this is not the appropriate forum to do so and the concerns may not be brought to the manager's attention in time for appropriate action to be taken. There is a form for an employee to make a protected disclosure as part of this policy.

3.0 CONCERNS THAT FALL OUTSIDE THE DEFINITION OF A QUALIFYING DISCLOSURE

If the worker has a genuine concern that does not fall within the definition of a qualifying disclosure the Whistleblowing Policy can still be used.

The company takes any form of malpractice very seriously and this procedure is to enable the worker to raise concerns at an early stage and in the appropriate way. It is important that the worker can raise the matter when it is just a concern, rather than waiting for proof or for the problem to get worse.

4.0 PRINCIPLES

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue. The worker should be kept updated on the progress of the investigation if this is prolonged for any reason.
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the Company's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a Director.
- Workers are reminded of their responsibility under safeguarding procedures to be aware of possible signs of abuse and to take appropriate action by reporting their concerns.

5.0 COMPANY PROCEDURE & REPORTING TO EXTERNAL AGENCIES

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Company's Grievance Procedure.

Stage 1

In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach their line manager, any concerns should be raised with the worker's line manager. This should be done by completing the 'Form for an employee to make a protected disclosure.' If they believe the line manager to be involved, or for any reason do not wish to approach the line manager, then the worker should proceed straight to stage 3. The manager should confirm

in writing, by email or letter, receipt of the protected disclosure form and keep the employee informed of the progress of the investigation.

Stage 2

The line manager will arrange an investigation of the matter (either by investigating the matter him/herself or immediately passing the issue to someone in an appropriate position or more senior position). The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

The line manager (or the person who carried out the investigation) will then report to the Head of Service (i.e. Director of Operations; Operations Manager or Principal for that service) and Human Resources Manager who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will liaise with the Human Resources department and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the senior management have done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 3

If the worker is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Head of Service and/or Head of Human Resources, they should inform a Director of the Company [the Managing Director or the Chief Executive based at the Alcester Office), who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report as in stage 2 above. If for any other reason the worker does not wish to approach their line manager they should also in the first instance contact the Head of Service for the service they work in. Any approach to the Head of Service will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent.

NB: Where your complaint involves a member of staff, if malpractice is alleged, the company is obliged to follow its disciplinary procedure. The outcome of which will be dictated by the company policy and relevant employment legislation

Stage 4

If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health and Safety Executive; and
- the Environment Agency;
- the Regulatory Authority (CQC; Ofsted; CSSIW).
- Local Authorities

6.0 SCOPE OF THE LEGISLATION

The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

7.0 ANONYMOUS CONCERNS

The company will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that the worker may want to raise a concern in confidence under this Policy. If he/she asks for their identity to be protected by keeping this information confidential, we will not disclose it without the worker's consent. If the situation arises where we are not able to resolve or address the concern appropriately without revealing the worker's identity (for instance in a disciplinary hearing or as part of a safeguarding investigation), we will discuss with the worker how we can proceed.

NB: Remember that if the concerns are raised anonymously it will be much more difficult for us to investigate the matter and could limit the investigation process and the obtaining of evidence. This will impact on any action the company could take. Accordingly, we do not consider this policy is appropriate for raising concerns anonymously.

8.0 EXTERNAL SUPPORT

Safecall provide an independent confidential reporting line where you can raise your concerns and be assured they will be fully addressed. Calls are handled by skilled staff and will be treated in complete confidence. A report of the call will be sent to the Managing Director. Safecall will not disclose your name to the company if you wish to remain anonymous.

You can contact Safecall at any time on the freephone number below:



The Safecall line is available 24/7 365 days

Alternatively Safecall can be contacted via e-mail outcomesfirst@safecall.co.uk or via the web www.safecall.co.uk/report

Details of the Safecall service can also be found on Safecall posters which will be displayed at your services.