

Whistleblowing Policy

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Whistleblowing line: 01494 601304

1. INTRODUCTION

- 1.1. Epilepsy Society is committed to achieving the highest possible standards of service and ethics in all of its practices. Our Code of Conduct sets these out. Our overall aim is to promote a climate of openness in which people feel able to raise concerns in a reasonable and responsible way, without fear of victimisation. To achieve this, employees, workers (eg bank or agency), volunteers and Trustees are encouraged to report any malpractice, illegal acts or omissions by its employees or officers.
- 1.2. This policy provides the internal channels to enable anyone to raise genuine concerns safely, at an early stage and in the appropriate way. All genuine concerns raised will be taken seriously and dealt with responsibly, and professionally and in a timely way to protect the interests of service users, employees and Epilepsy Society. In addition, this document aims to provide guidance and support to anyone wishing to make a disclosure.
- 1.3. We embrace the UK Public Interest Disclosure Act 1998 (PIDA) which protects the right of an individual to raise concerns about malpractice in the workplace, such as criminal activity, breach of legal obligation, endangering health and safety, without fear of dismissal or other penalty. Epilepsy Society will also comply fully with its responsibilities under the Duty of Candour
- 1.4. Epilepsy Society 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 malpractice. Those raising concerns can be assured that Epilepsy Society will not tolerate harassment or victimisation and will take action to protect them from retribution or other penalty when an individual raises a concern in good faith.
- 1.5. If you raise a concern, but it is not upheld once investigated, no action will be taken against you. However, if you knowingly make malicious or vexatious allegations, disciplinary action may be taken against you.

2. POLICY SCOPE

- 2.1. This policy and the associated procedures apply to all employees, volunteers, bank and agency workers, self-employed contractors and Trustees working within Epilepsy Society.
- 2.2. If something is troubling you that you think we should know about or look into, please use this policy. Concerns to be raised under this policy include:
- Physical Abuse or neglect of service users or employees
 - Criminal Activity
 - Failure to comply with any legal or professional obligation or regulatory requirement
 - A Health & Safety Risk to the public or employees
 - Bribery
 - Financial Fraud or mismanagement
 - Negligence
 - Conduct likely to damage the reputation of Epilepsy Society
 - Unauthorised disclosure of confidential information
 - Other unethical conduct
 - The deliberate concealment of any of the above matters
- 2.3. If, however, you wish to make a complaint about your employment or how you have been treated, one of the following policies may be more appropriate:
- Grievance Policy
 - Bullying and Harassment Policy
 - Equality and Inclusion Policy

3. DEFINITIONS

- 3.1. Disclosure – commonly known as ‘whistleblowing’. A disclosure is a serious condition or event that comes under the provisions of the UK Public Interest Disclosure Act 1998 (PIDA) which may or may not have a direct or indirect impact on the person raising the disclosure. The act of making a disclosure is commonly referred to as ‘whistle blowing’.

For example:

A ‘qualifying disclosure’ could be a disclosure about:

- criminal offences
 - failure to comply with a legal obligation
 - an act or omission likely to endanger an individual’s health and safety
 - safeguarding concerns
 - a deliberate attempt to cover up any of the above
- 3.2. The Public Interest Disclosure Act 1998 protects whistleblowers from detrimental or unfavourable treatment and victimisation from their employers and co-workers after they have made a qualifying disclosure of a concern in the public interest.

- 3.3. The Act covers all workers including those on temporary contracts or supplied by an agency, and trainees. It should be noted, however, that PIDA does not cover volunteers. However, we will treat volunteers in the spirit of the Act even though not obliged to do so.
- 3.4. Duty of Candour which is defined as “the volunteering of all relevant information to persons who have or may have been harmed by the provision of services, whether or not the information has been requested and whether or not a complaint or a report about that provision has been made.”

4. RESPONSIBILITIES

4.1. We are **all** responsible for ensuring that we deliver a high level of service at all times in line with internal and external requirements. If anyone witnesses poor practice, they must raise this at the earliest opportunity with the appropriate manager, giving full details of the matter.

4.2. Managers are responsible for:

- demonstrating high personal standards of behaviour, leading by example and encouraging employees to follow suit
- ensuring they have a thorough understanding of this policy and procedure and are able to explain it to employees
- raising awareness of Epilepsy Society’s values and what is regarded as acceptable and unacceptable behaviour
- informing employees of their personal responsibility for respectful treatment of service users and fellow employees at all times
- promoting a culture of openness, mutual respect and transparency where employees are encouraged to admit mistakes rather than concealing them so that they can be remedied
- supporting and encouraging workers to raise concerns at the earliest opportunities, instilling confidence in employees to be open about their concerns
- ensuring concerns raised are treated seriously and within the agreed bounds of confidentiality
- ensuring a thorough investigation is completed into allegations raised under this procedure
- taking appropriate action is taken in relation to the specific concern
- identifying, implementing and communicating any learning points and preventative measures are within the organisation

4.3. Employees are responsible for:

- treating service users, their families and fellow colleagues with respect at all times.
- respecting the rights of others to raise genuine concerns without fear of intimidation or victimisation
- reporting any concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour, ignoring concerns, failing to raise them or covering them up is in itself a serious matter

4.4. HR is responsible for:

- ensuring this policy and procedure is reviewed and updated to be compliant with current legislation and best practice
- providing advice and support to managers and employees relating to this policy and procedure
- monitoring disclosures to identify trends and issues
- ensuring the impact of this policy on equality and human rights is assessed and acted upon as necessary

5. EQUALITY AND INCLUSION

5.1. Equality is one of our core values and we are committed to providing high quality person centred services to all who need them, reflecting and responding to the diversity of the communities we serve.

5.2. We will treat everyone who works for or with Epilepsy Society or who uses our services with dignity, equality, respect, fairness and autonomy and challenge discrimination wherever it arises. We will foster an environment in which everyone is valued equally and supported so they can participate with confidence.

5.3. We will promote equality in all that we do and through the work we do in partnership with others.

5.4. This philosophy is reflected in the way we deal with concerns raised. We will:

- Give any employees implicated in any allegations the opportunity at any stage of the procedure to be accompanied by an appropriate person to provide support
- Use independent managers (and where necessary, external investigators) to make discreet investigations to ensure fairness and objectivity.
- Maintain confidentiality wherever possible

6. RAISING A CONCERN

6.1. If something is concerning you, you are urged to raise it straight away through one of the Levels below. We prefer that you raise the matter promptly rather than to stay silent or wait until something more serious happens.

6.2. For a disclosure to be protected by the law it should be made to the right person and in the right way. The person making the disclosure must:

- reasonably believe that the information is substantially true
- reasonably believe that they are making the disclosure to the right person
- the disclosure is in the public interest

6.3. Level 1: Raise your concern with your manager

You are encouraged to share your concern with your manager in the first instance. Your manager will discuss your concerns with you in confidence, arrange for investigations to take place, ensure relevant details of the issue are reported centrally to HR for monitoring purposes and attempt to resolve the matter as quickly as possible. When raising a concern this could be done face-to-face or in writing.

6.4. Level 2: Contact HR

If you don't feel able to raise the concern directly with your manager or where the concern relates to the actions of your manager or another manager, you should contact HR on extension 1447 for advice and guidance. They will arrange for an appropriate investigation to take place.

6.5. Level 3: Contact Epilepsy Society's confidential Whistleblowing Line on 01494 601304

This number is only used for this purpose and is monitored by HR. Details of messages received via the Whistleblowing Line are recorded and held within HR to maintain confidentiality (if this is what you wish) and to ensure that all messages are followed up accordingly.

When a concern is raised via any channel, the relevant Director will be notified, unless the concern involves them.

7. INVESTIGATION

7.1. A manager will be appointed by the relevant Director to carry out the investigation. The appointed manager will complete a thorough fact finding investigation which will be fully documented and will include recommendations for any follow up actions that may be appropriate. As part of the investigation, witnesses could be interviewed and relevant documentation will be reviewed.

7.2. All investigations will be completed in a timely manner and where possible the person raising the concern will be kept informed about expected timescales for completion.

7.3. Where allegations potentially constitute gross misconduct, suspension of the employees will be considered. For further details of what constitutes gross misconduct and the process that will be followed when suspension is appropriate, please refer to the Disciplinary policy and procedure.

7.4. Where the allegations relate to safeguarding concerns, the relevant agency/ies will be notified at the earliest opportunity and will be kept informed about the findings of the investigation and follow up actions.

7.5. Where possible, once the investigation has been completed the person who raised the concern will be provided with a written outcome. It is important to note that due to confidentiality, this outcome may not disclose specific details of all of the actions taken as a result of the investigation but will include relevant information that is appropriate to share.

- 7.6. At all stages of the procedure we are committed to listening, acknowledging, giving full consideration to all of the facts and acting speedily to resolve the issues raised.

8. ANONYMOUS CONCERNS

- 8.1. You are encouraged to put your name to any issues raised under this procedure in order to assist with the investigation process as anonymous allegations can be difficult to substantiate/prove. If you feel you have to raise a concern anonymously, you must provide as much detail as possible to enable your concerns to be investigated. Epilepsy Society reserves the right to decline to investigate anonymous allegations if insufficient information is provided, where we can foresee no practical outcome, and/or we are unable to provide any constructive feedback to potential concerns.

- 8.2. Epilepsy Society will do its best to protect your identity when you raise a concern and you wish to remain anonymous. Epilepsy Society will exercise its discretion in deciding whether to investigate an anonymous allegation and will take into account the seriousness of the issues raised and the likelihood of being able to confirm the allegation from attributable sources. Remember, if you don't tell us who you are it will be much more difficult for us to protect your position or to give you feedback. Limits to confidentiality may be affected under the following circumstances:

- during legal proceedings
- subsequent disciplinary action
- police investigations and proceedings.

- 8.3. In cases where your anonymity is maintained, it is important to remember that any submission must be factual and personal feelings should be avoided. Comments that would fall under legal jurisdiction of libellous and defamation of a person's character must be avoided.

9. RAISING CONCERNS OUTSIDE OF THE ORGANISATION

- 9.1. In line with national guidance we encourage you to use any of the above avenues to raise a concern, however, we recognise that there may be times when where you feel unable to use any of the channels described above e.g. If you consider that your concerns are not being taken seriously or you feel that raising a concern may place you in a vulnerable situation. In these circumstances the following external channels are available:

Care Quality Commission on 03000 616161

- Alternatively you can email them on enquiries@cqc.org.uk.
- For guidance on making a complaint to the CQC visit <http://www.cqc.org.uk/contact-us>

The National Whistleblowing Helpline 0800 724 725

- This helpline provides independent confidential advice. Alternatively you can email the helpline at enquiries@wbhelpline.org.uk, or complete the on-line form at <http://wbhelpline.org.uk/contact-us>.

Public Concern at Work Advice Line on 020 7404 6609

- PCAW offer free, confidential practical and legal advice if you have witnessed serious wrongdoing, risk or malpractice in the workplace which is or could be a threat to others (customers, employees, or the general public) and you want to raise the issue as a concern to your employer or to an independent body.

Health and Safety Executive on 0300 0031647

- The helpline is open during office hours
- Alternatively you can check out their website at <http://www.hse.gov.uk/contact/concerns.htm>

10. SUPPORT

10.1. Guidance for Employees:

- Read this policy to identify what concerns are covered and who to raise concerns with
- It may help to refer to Epilepsy Society's Code of Conduct for guidance around the standards that we expect from employees
- Raise the concerns immediately or at the earliest opportunity
- Think about whether the concern can be discussed in an informal way e.g. 1-2-1's, staff meetings
- Check this policy to see who to raise your concerns with
- Try to resolve issues internally, within the organisation, first if you can
- When reporting, focus on obtaining as much specific, factual evidence as possible
- Try to present the situation as clearly as possible, either verbally or in writing, and provide as much detail as possible
- Check out the process and what will happen next
- Maintain confidentiality

10.2. Employee assistance provider, Health Assured can provide counselling and information to employees and their families (they can be contacted on 0800 0305182. This service is available 24 hours a day, 7 days a week, 365 days a year.

10.3. You can also get further information relating to the application of this policy from your line manager or HR.

11. OTHER PROCEDURES

If an employee raising a concern through the Whistleblowing policy is already the subject of another formal procedure such as the Conduct, Performance Improvement or Redundancy procedures, those procedures will not be halted as a result of the Whistleblowing, unless it is directly related to allegations made. In such circumstances the manager(s) who are dealing with these issues should seek advice from HR before progressing with either process.