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Whistle Blowing Policy

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Whistle Blowing Policy

1: Introduction

WELL Associates Ltd is committed to developing a culture where it is safe and acceptable for all employees and other stakeholders to raise any concerns they may have over the management and delivery of the organisation's Services.

The policy is intended to complement the rules, guidelines and codes of conduct on freedom of speech issued by our associated professional bodies. This policy should be read in conjunction with the Fraud Response & Protection Policy.

The policy is applicable to the following categories of staff:

- All substantive employees of WELL Associates Ltd
- Staff employed by WELL on temporary, fixed term or bank contracts
- Staff who are seconded to carry out duties for WELL
- Staff working for WELL through an agency
- Visiting workers/Associate Trainers etc
- Independent consultants to WELL
- Contractors and suppliers of service to WELL

For the purpose of this policy, individuals in the above categories will be referred to as "staff".

Individual members of staff have a right and duty to raise with the employer, any matters of concern about the management and delivery of WELL Associates Ltd services, functions and activity and managers have a duty to ensure that staff are easily able to express their concerns.

Managers must ensure that any staff concerns are dealt with expeditiously, thoroughly and fairly.

Managers are also expected to encourage staff to express their views openly on aspects of the Agency's activities.

Staff views are welcomed, appreciated and, where appropriate, will be acted on positively.

This document also takes into account the requirements of The Public Interest Disclosure Act 1998, and sets out details of disclosures of information which are categorised as 'qualified disclosures' and provides protection to the employee against dismissal or adverse treatment in employment as a consequence of making this disclosure, within certain procedural requirements which are outlined in this document.

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2: Equality & Diversity

WELL Associates Ltd undertakes to promote equality and diversity and not to discriminate between employees or job applicants in respect of age, sex, sexual orientation, marital status, race, colour, ethnic or national origin, disability, religion, gender reassignment, or trade union membership, in accordance with the Equality Act 2010 and the WELL Equality & Diversity Policy.

3: Key Principles

WELL Associates Ltd is committed to encouraging a climate of openness and participation by staff in all aspects of its work and services.

Any member of staff is encouraged to raise any concerns about the management and delivery of services, as outlined in this document.

WELL will ensure that any matters raised under this policy are investigated fully and will provide feedback to the member of staff on its findings.

WELL will ensure that staff who report genuine concerns under this policy are protected against victimisation, harassment or recrimination.

Staff should exercise their rights under this policy with due regard to their duty of confidentiality to the employer, including the requirements of confidentiality in relation to patient and staffing data.

Whilst not exhaustive the following types of issues are examples of concerns most likely to be addressed using this policy:

- Alleged unsafe working practices
- Alleged failure to follow procedures that may result in harm to Learners, participants, other service issues or the public
- Alleged misuse of WELL facilities or resources
- Alleged failure to address acts of negligence or poor performance

It is also possible that members of staff may consider raising a concern under this procedure when another WELL procedure is more appropriate.

For example, if the member of staff is claiming that they are being subjected to bullying or harassment then WELL Associates Harassment & Bullying Policy should be followed.

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4: Procedure for Raising Concerns

When to Raise Concerns:

Concerns should be raised as soon as possible. Any delay could result in a reoccurrence of any incident and/or make investigations more difficult.

In cases where staff are uncertain about whether to raise a concern, they are encouraged to seek advice from a Human Resources lead or from their Trade Union representative.

To Whom Concerns Should be Raised:

In the majority of cases, areas of concern should be reported to the appropriate line manager to ensure a speedy resolution. Managers should:

- take concerns seriously
- consider them fully and sympathetically
- recognise that raising a concern can be a difficult experience for some staff
- seek advice from senior management where appropriate
- seek advice from Human Resources lead to ensure that issues are addressed appropriately.
- Where appropriate, concerns may also be raised with Human Resources lead or Trade Union representatives.

All formal cases should be reported to the lead for Human Resources for monitoring purposes.

5: Action for Dealing with Concerns

The person to whom the complaint has been raised, should consider the matter carefully in order to determine appropriate action.

Where appropriate, the issue should be resolved informally. In some cases, more formal action will be appropriate and may involve the use of other relevant policies and procedures such as the Grievance Procedure.

The Manager may seek advice from relevant sources, e.g. the Human Resource or Finance lead, in order to determine the appropriate means for dealing with an issue.

Each matter will be taken seriously, and the manager will ensure that concerns are investigated fully and fairly with involvement of other members of staff as necessary.

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The manager will normally seek the advice/involvement as appropriate of the Human Resources lead in the handling of the investigation.

The person raising the concern will be kept informed of progress, taking account of patient and staff confidentiality.

If the member of staff raising the concern remains dissatisfied, he/she may raise the concern with a Director who will ensure that the action taken to date is reviewed and, where appropriate, arrange for further investigation into the matter to be conducted.

The person raising the concern will be kept informed of the outcome of any further investigations.

6: Disclosure Outside the Organisation (Public Interest Disclosure)

WELL expects that in most cases the appropriate channel for raising concerns will initially be internal disclosure as detailed in this document.

However, in certain circumstances as detailed below, a member of staff is permitted, under the terms of the Public Interest Disclosure Act 1998, to make a disclosure to individuals or bodies outside the organisation.

The Public Interest Disclosure Act 1998 offers protection from dismissal and/or adverse treatment in employment to employees who make a public disclosure under the Act.

The information disclosed must fall under one or more of the following categories to be a qualified disclosure:

- A criminal offence
- Failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of health and safety
- Damage to the environment
- Concealment of any of the above

In addition, to come under the Act, the disclosure is further subject to the following requirements:

The member of staff should have a reasonably held belief that the information in the disclosure is correct.

The member of staff is acting in good faith in making the disclosure.

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Making the disclosure must not in itself constitute a criminal offence.

Under the Act, a disclosure may be made to:

- The employer or other responsible person
- A legal advisor
- A minister
- A prescribed regulator (e.g. Health and Safety Executive)
- To any other person when it is reasonable to do so, or if it is an exceptionally serious matter

In making an external disclosure, the member of staff has to demonstrate:

- That they are not making the disclosure for personal gain

That they have chosen to disclose the information external to the organisation because they reasonably believe one of the following:

- that in making the disclosure, they could suffer some sort of detriment
- that the evidence concerned would be destroyed or concealed
- that substantially the same information has been disclosed previously to the employer

If a member of staff is unsure whether to use this procedure, he/she may:

- Consult their Trade Union or professional organisation
- The independent Charity Public Concern at Work (0203 117 2520), whose lawyers can provide free confidential advice at any stage about how to raise a concern about a serious malpractice at work.

7: Monitoring and Implementation of this Policy

WELL Associates will ensure that the implementation of the policy is monitored, and that the policy may be amended in the light of experience. All cases will be reported to a Director and HR Lead.