



Whistle Blowing at Work Policy

1. Whistle Blowing at Work Policy

It is important that every staff member of Sen Talk CIC act in the best interest of the organisation and does not disclose any confidential information. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal. This Whistle Blowing policy sets out Sen Talk CIC's approach.

2. Definition

The word 'whistleblowing' in this Policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

3. Policy statement

Sen Talk CIC is committed to achieving the highest possible standards of service and the highest possible ethical standards in all that it does. It encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the 'whistleblowing' procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the organisation.

4. Other policies and procedures

Sen Talk has a range of policies and procedures, which deal with standards of behaviour at work. They cover Discipline, Grievance, Harassment and Recruitment and Selection. Staff are encouraged to use the provisions of these procedures when appropriate.

5. Whistleblowing – when is appropriate

There may be times, however, when the matter is not about your personal employment position and needs to be handled in a different way.

Examples Include:

- Malpractice or ill treatment of a member / user by a member of staff
- Continued ill treatment of a member / user, despite a complaint being made
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Disregard for legislation, particularly in relation to health and safety at work
- Dangers to Health & Safety or the Environment
- Breach of standing financial instructions
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct or unethical behavior
- Information on any of the above has been, is being, or is likely to be concealed

This list is not exhaustive.

Sen Talk will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Policy and Procedure.

6. Confidentiality

The investigation will be carried out in a sensitive manner but may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of members/users, suspension from work may have to be considered immediately. Protection of members/users is paramount in all cases.

The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

7. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

8. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual

makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

9. Who investigates? Designated Officers

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer:

- Complaints of malpractice will be investigated by the appropriate Line/ Project Manager unless the complaint is against the Line/Project Manager and/or their actions. In such cases, the complaint should be passed to the Director for referral.
- In the case of a complaint, which is any way connected with but not against the Line/Project Manager, the Director will nominate a Senior Manager to act as the alternative investigating officer.
- Complaints against the Director should be passed to the Chair of Trustees who will nominate an appropriate investigating officer.
- The Complainant has the right to bypass the line management structure and take their complaint direct to the Chair of Trustees. The Chair of Trustees has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Policy and Procedure will be used.

If there is evidence of criminal activity then the investigating officer should inform the Police. Sen Talk will ensure that any internal investigation does not hinder a formal Police investigation.

10. Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the Police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

11. Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible.

- The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Charity's Auditors and the Police at this stage and should consult with the Chair of Trustees / Director.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chair of Trustees as appropriate.
- The Director / Chair of Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary policy or other appropriate procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Charity's Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Director / Chair of Trustees, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, Sen Talk CIC recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

12. The Law

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.