

Making a Disclosure in the Public Interest

(“Whistleblowing” Policy)

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Standing Operating Procedures that reference this policy	None required

“All organisations face the risks of things going wrong or of unknowingly harbouring malpractice. Part of the duty of identifying such a situation and taking remedial action may lie with the regulatory or funding body. But the regulator is usually in the role of detective, determining responsibility after the crime has been discovered.

Encouraging a culture of openness within an organisation will help: prevention is better than cure. Yet it is striking that in the few cases where things have gone badly wrong in local public spending bodies, it has frequently been the tip-off to the press of the Member of Parliament – sometimes anonymous, sometimes not – which has prompted the regulators into action. Placing staff in a position where they feel driven to approach the media to ventilate concerns is unsatisfactory both for the staff member and the organisation”

Committee on Standards in Public Life. Second Report, Cm 3270 -1 (May 1996) p.

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INTRODUCTION

1. St Paul’s is committed to the highest standards of openness, probity and accountability. Having clear rules for whistle blowing supports this commitment and will underpin our reputation.
2. An important aspect of accountability and transparency is a mechanism to enable staff and other members of St Paul’s to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. 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, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).
3. The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. St Paul’s has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.
4. 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 St Paul’s, 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 St Paul’s.

SCOPE OF POLICY

5. This policy is designed to enable employees and volunteers of St Paul's, Second Chance Furnishing (SCF) or other subsidiaries to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety.

6. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Abuse of people using St Paul's services
- Attempts to conceal any of these

MATTERS OUTSIDE THE SCOPE OF THIS POLICY

7. This procedure is not intended to cover concerns that can be progressed under Human Resource policies and procedures. St Paul's has a Grievance Procedure for dealing with employment related complaints.

EMPLOYEE RESPONSIBILITIES

8. All employees have a duty of confidentiality to St Paul's and therefore it is important that this procedure is used and not ignored. Any disclosure externally to the press or media will result in disciplinary action. The Public Interest Disclosure Act 1988 does provide protection to individuals who make certain disclosures of information in the public interest but anyone wishing to make an external disclosure is strongly advised to seek legal advice before doing so as they may put their employment at risk.

SAFEGUARDS

9. The policy is designed to offer protection to those employees and volunteers who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

CONFIDENTIALITY

10. The Company will treat all such disclosures in a confidential and sensitive manner. 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.

ANONYMOUS ALLEGATIONS

11. 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 St Paul's.

12. 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

UNTRUE ALLEGATIONS

13. 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.

PROCEDURES FOR MAKING A DISCLOSURE

14. 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 as follows:

- Complaints of malpractice will be investigated by the appropriate service manager unless the complaint is against the service manager or is in any way related to the actions of the service manager. In such cases, the complaint should be passed to the Chief Executive for referral.
- In the case of a complaint, which is any way connected with but not against the service manager, the Chief Executive will nominate a senior manager to act as the alternative investigating officer.
- Complaints against the Chief Executive should be passed to the Chairman 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 Chairman. The Chairman 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.

15. If there is evidence of criminal activity then the investigating officer should inform the police. St Paul's will ensure that any internal investigation does not hinder a formal police investigation.

16. If the employee is unable to make a complaint to the organisation then they should contact the prescribed person. For charities the Charities Commission is the prescribed person. The Charity Commission Helpline (available 9am to midday, Monday to Friday). 0300 066 9197 or email whistleblowing@charitycommission.gsi.gov.uk. Guidance is available at www.gov.uk/guidance/whistleblowing-guidance-for-charity-employees

TIMESCALES

17. 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.

18. 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.

19. All responses to the complainant should be in writing and sent to their home address.

INVESTIGATING PROCEDURE

20. 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 Company auditors and the Police at this stage and should consult with the Chairman / Chief Executive

- 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 Chairman as appropriate.
- The Chief Executive / Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company 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 Company Auditors to enable a review of the procedures.

21. 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 Chief Executive / Chairman, or one of the designated persons described above.

22. 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, St Paul's recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Charity Commission) or, where justified, elsewhere.

CHECK LIST

23. If you are thinking of raising a concern, here are a few things to remember:

YES PLEASE DO	NO PLEASE DO NOT
<p>Raise the matter as soon as possible if you feel your concerns are warranted</p> <p>Tell your suspicions or concerns to someone who has the appropriate authority to deal with them</p> <p>Be assured St Paul's will take seriously concerns raised based on honest and reasonable suspicions.</p> <p>Familiarise yourself with the whistle blowing procedure</p> <p>Consider writing down the key points</p>	<p>Do nothing. St Paul's would prefer you to raise your concerns so that we can carry out a full and fair investigation.</p> <p>Be afraid of raising your concerns. St Paul's has safeguards in place to protect staff who raise a concern.</p> <p>Try to investigate the matter yourself. This may complicate any later enquiries, particularly if a criminal investigation becomes necessary</p> <p>Approach or accuse any individuals directly.</p>

and details as to why you are concerned.	Tell your suspicions or concerns to anyone other than those with the proper authority.
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24. If you receive a concern as a staff member or manager

YES PLEASE DO	NO PLEASE DO NOT
<p>Be fully responsive to staff concerns Respect the fact that staff can raise a concern confidentially.</p> <p>Take detailed notes of the information provided; including details such as who, what, where, when, why and how in relation to the matter of concern.</p> <p>Evaluate the allegation objectively</p> <p>Try to investigate the matter yourself. This may complicate any later enquiries, particularly if a criminal investigation becomes necessary.</p> <p>Advise the appropriate person, whether that is your line manager or an individual within the Trustees.</p> <p>Deal with the matter promptly and as a matter of priority.</p>	<p>Ridicule or ignore the concerns raised. Approach or accuse any individuals directly.</p> <p>Tell your suspicions or concerns to anyone other than those with the proper authority.</p> <p>Tell your suspicions or concerns to anyone other than those with the proper authority.</p> <p>Do nothing. The School is committed to a culture of openness in which staff feel able to communicate their concerns freely and in confidence</p>

ADVICE AND SUPPORT

25. 'Public Concern at Work' provides free confidential advice to workers who have concerns about wrongdoing in the workplace and can be contacted at: www.pcaw.org.uk