

RAISING A CONCERN ('WHISTLEBLOWING'): POLICY & PROCEDURES

Standard references/terms used in this document.

HR Department/HR Manager: Support Services Manager
 Line Manager: Your immediate supervisor.
 Director: Head of Service

Version	Issue Number	Date	Amendments	Amended by;
1	0	12/2006		D Fowler
2	0	02/2010		Andy Murphy
3	0	03/2016	Rewrite. Includes external independent	Andy Murphy
4	0	23/01/2019	Rewrite to widen scope to include individuals other than employees. Noted as part of Organisational Standards audit	Andy Murphy
5	5	9/5/2021	Persons of responsibility amended – Director references removed	Sally Miller

Date of Last Review	Signed	Position	Next Review due:
02/2010	Andy Murphy	CEO	02/2011
01/2011	And Murphy	CEO	01/2011
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15/01/2014	Andy Murphy	CEO	15/01/2015
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24/02/2020	Andy Murphy	CEO	24/02/2021
May 2021	Sally Miller	CEO	May 2023

Whistleblowing

Policy Statement

AUKI is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other stakeholders of AUKI 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 organization, 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).

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. AUKI 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.

As a charity it is equally important that service users, volunteers, practitioners and members of the public should also be able to raise concerns in a responsible and effective manner.

It should be emphasised that this policy is intended to assist private and professional individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by AUKI 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 and such individuals to use them rather than air their complaints outside AUKI, subject to any wider responsibilities including legal responsibilities.

Scope of Policy

This policy is designed to enable employees, volunteers and external individuals, including service users and practitioners to raise concerns at a high level and to disclose information which the individual believes shows malpractice or impropriety. 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 or safeguarding. 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
- Attempts to conceal any of these

Safeguards

i. Protection

Where invoked by employees this policy is designed to offer protection to those employees of AUKI who disclose such concerns.

Where invoked by volunteers this policy is designed to offer protection against termination of volunteering.

Where invoked by service users this policy is designed to offer protection against termination of service provision.

In all cases this is 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). For employees 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.

ii. Confidentiality

AUKI 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.

iii. 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 AUKI.

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

iv. 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 if they are an employee, volunteering placement may be ended if the individual is a volunteer, service provision may be suspended if the individual is a service user or service user representative.

Procedures for Making a Disclosure

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 Chief Executive unless the complaint is against the Chief Executive or is in any way related to the actions of the Chief Executive. In such cases, the complaint should be passed to the Board of Trustees
- In the case of a complaint, which is any way connected with but not against the Chief Executive, the Chief Executive will nominate another senior manager to act as the alternative investigating officer.
- Complaints against the Chief Executive should be passed to the Chair 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. The Chair 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.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach the following individuals who have been designated and trained as an independent point of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

- Emma Whitby, CEO, Healthwatch Islington

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

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.

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

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 AUKI auditors and the police at this stage and should consult with the Chair/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 Chair as appropriate.
- The Chief Executive/Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate AUKI 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 AUKI 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 Chief Executive/Chair, 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, AUKI 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.

AUKI will keep whistleblowing log and all whistleblowing disclosures, decisions and any remedial action should be clear and fully documented on the whistleblowing log.
