Policy 65: Whistleblowing policy and procedure

Last updated by: SH, RS, HW

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1 Policy 65 Whistle Blowing Policy and Procedure V2
1. Introduction

a) Age UK York (AUKY) and the Board of Trustees (the Trustees) acknowledge and adhere to all relevant legislation;

b) The so-called Whistleblowers' Act is the Public Interest Disclosure Act, 1998. This provides protection to all employees and others who make disclosures in good faith when they become aware of any conduct which is illegal or improper occurring in their company or organisation;

c) This policy, Policy 65, sets out the principles and processes by which AUKY operates within the Whistleblowers' Act.

2. Responsibilities

a) The Trustees have responsibility for the operation of AUKY and to ensure that it fulfills its aims;

b) The Trustees have vested day to day responsibility with the Chief Officer (CO);

c) AUKY is committed to maintaining the highest standards of honesty, openness and accountability in all its operations and considers that it is not in anyone's interests for workers with knowledge of wrongdoing to remain silent;

d) The protection afforded by the Whistleblowers' Act relates to AUKY's paid staff, its volunteers and anyone connected with AUKY;

d) Consequently, and with this protection, all AUKY workers have a responsibility to report any instance of illegal or improper practice of which they become aware.

3. Personal concerns

a) Workers may be reluctant to voice or report their concerns or awareness of wrongdoing for any reason, including, but not restricted to:

- Feelings of disloyalty;
- Uncertainty that their concerns will be taken seriously;
- Concerns that they will be bullied, harassed or dismissed;
- Uncertainty as to who to tell;
- A wish for advice before reporting;
- Uncertainty that what they believe is wrongdoing, actually constitutes wrongdoing;
- A belief that someone else is already dealing with it;

b) The remainder of this policy deals with these concerns and action to be taken. However, the Trustees emphasise that wrongdoing harms AUKY and its service users and all workers are always dealt with respectfully and their concerns are always listened to.

4. Processes for acknowledging and dealing with personal concerns

a) Disloyalty:

- Wrongdoing could relate to an individual or AUKY itself;
- It can be harmful to the individual perpetrating the wrongdoing and could lead to their dismissal;
- It can be harmful to AUKY and affect the quality of its service provision and service users as vulnerable individuals;
b) Uncertainty that concerns will be taken seriously:

- AUKY and its Trustees are respectful of all workers, listen to and investigate all complaints and concerns, whatever the concerns are;

c) Concerns that they will be bullied, harassed or dismissed:

- The Whistleblowers' Act provides protection because of precisely those concerns. Bullying and harassment are unpleasant, but the perpetrators will be subject to disciplinary processes within AUKY which could lead to their dismissal;

d) Uncertainty as to who to tell:

- Confidentiality must be respected so that information or reports are not passed around a department or elsewhere;
- Information or reports can be given orally or in writing;
- The Chief Officer is the appropriate person to receive such reports. Alternatively, a line manager or supervisor can be spoken to first;
- The Chief Executive of York Centre for Voluntary Service (01904 621133) could be the first contact where there are concerns about the operation of AUKY itself;
- City of York Council Social Services (for issues which may constitute abuse) (01904 551550);
- Police (criminal offences) Telephone 101
- The Care Quality Commission – if the service is a regulated service within the CQC 0333 405 3333

e) A wish for advice before reporting:

- Independent advice is available from the independent charity Public Concern at Work (020 7404 6609);

f) Uncertainty that what they believe is wrongdoing, actually constitutes wrongdoing:

Wrongdoing includes, but is not confined to:

- Criminal offences
- Failure to comply with legal obligations
- Miscarriages of justice
- Actions which endanger the health or safety of workers or the public
- Actions which cause damage to the environment
- Actions which are contrary to AUKY polices and procedures
- The abuse or suspected abuse of older people
- Actions which are intended to conceal any of the above

g) A belief that someone else is already dealing with it:

- Even is someone else has already reported wrongdoing, you may have additional information which could assist an investigation
- AUKY would prefer you to report your concerns rather than keep them to yourself.
5. Confidentiality

a) AUKY will do everything possible to keep your identity secret, if you so wish. However, in some circumstances you may be required as a witness;

b) Confidentiality must always be respected. This does not mean you should not report wrongdoing, but you should do so to an appropriate person and you should not discuss the situation with anyone else;

c) A wish to maintain confidentiality should not lead you to try to deal with wrongdoing by yourself, for example by speaking to the person you believe is perpetrating the wrongdoing;

d) In seeking advice from an outside agency it may be possible to maintain confidentiality by not naming any individuals;

e) Your own identity need not necessarily be disclosed although you may have to make a statement at a later stage of an investigation. The Whistleblowers' Act will protect you in such cases;

f) You may choose to make an anonymous allegation. This will limit any investigation, but your wish will be respected and although concerns expressed anonymously are much less powerful and less likely to be effective, they will be considered at the discretion of the Trustees;

g) Malicious or vexatious allegations could result in disciplinary action.

6. Proof of wrongdoing

a) If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you;

b) AUKY does not expect absolute proof of any wrongdoing reported, but reasons must be shown for the concern;

7. Investigation

a) Any report will be acknowledged within five working days;

b) The Trustees will arrange for preliminary enquiries to be made to decide whether a full investigation is necessary;

c) The Trustees will then;

i) Write to inform you that their preliminary investigation has resulted in the concern being dealt with; or

ii) Create an investigation group consisting of members of the Management Support Group or refer the concern to an appropriate external body such as the auditors, police, or Social Services for investigations;

iii) Subject to any legal constraints, inform you of the outcome of the investigation and any further action that has been taken;

iv) Invite you to take the matter further if you are dissatisfied with AUKY's response;

d) If you are unhappy with the outcome of an investigation:
i) You may submit another report (oral or written) explaining why this is the case;

ii) Your concern will be investigated again if there is a good reason to do so;

iii) You may raise your concern with an outside organisation. In the first instance, the independent charity Public Concern at Work would be the appropriate advice agency. Whistleblowing Advice Line: (020 7404 6609)

e) In serious cases, such as malpractice and criminal offences, disclosure to the appropriate authority (i.e. Social Services or Police) will override the policy of confidentiality.

f) While AUKY cannot guarantee to respond to your report in the way that you might wish, we will handle the matter fairly and properly. By using this Procedure, you will help us to achieve this.