

## WHISTLEBLOWING



Use the Whistleblowing Policy to report concerns about anything that is happening at Advance that you think senior management need to know about, but that either you don't feel able to raise with your line manager or you have already raised and found that it hasn't been dealt with properly.



You can contact any of the members of the Whistleblowing Panel, confidentially, by phone, email or letter using the contact details at the end of this policy.



Before contacting a member of the panel, make sure that you can clearly explain your concerns – you will need to give the panel member enough information to allow them to understand the situation.



Reports about genuine concerns allow Advance to investigate and resolve the issues raised to safeguard our customers and staff. Advance takes whistleblowing seriously, and will investigate all reports raised.



Trying to stop someone whistleblowing, or victimising them for whistleblowing, is a disciplinary offence and we will take a zero tolerance approach to this type of behaviour.

### **Key changes from previous version:**

The current Whistleblowing Policy has been in place since July 2015 and although generally fit for purpose, it needed updating, in particular the membership of the Whistleblowing Panel and its responsibilities (extract from Audit Committee Minutes 28 Feb 2017).

The two independent Panel members have re-affirmed their willingness to remain Panel members for a further 3 years.

Key changes are:

- Revised Whistleblowing Panel membership – now includes the two recently filled positions of Director of Resources and Head of Business Assurance
- Clarity of definition of the line management structure for normal reporting of concerns
- Clarification of the role of I'm not Proud versus Whistleblowing
- A short, one page summary at the front of the policy
- Additional assurances around confidentiality
- Support for an employee from the Panel member to explore the best single route
- Additional 'follow-up' step
- Sections on Data Protection and Equality & Diversity have been added.
- **The Whistleblowing Procedure now sits as a separate item. The Procedure lists the members of the Whistleblowing Panel.**

## EXECUTIVE SUMMARY ('ONE PAGER')

### Raising a concern

### **LIVING OUR PRIDE VALUES**

Sometimes you may see or experience things that fall short of our PRIDE VALUES and there are a number of ways in which you can raise a concern.

If you see or hear something which doesn't 'feel right' about the support or services we deliver then you should report it. Concerns can be about the support we deliver, property we provide or any inappropriate behaviour or abuse (e.g. physical, sexual, emotional), fraud, misuse or embezzlement of funds.

You can report your concerns as follows:

1. Normally, your first port of call is to raise your concern through your line management structure by contacting your line manager, their line manager or the Director of your directorate.
2. If you wish to report something anonymously you can contact Advance's 'I'm not proud' number on 01993 866 481 to leave a message with a senior member of HR, so that they can investigate and resolve the issue.
3. However, sometimes you may not feel confident that the above routes will deal with your concern or you have already raised concerns and found that it hasn't been dealt with properly or to your satisfaction. If this is the case, follow Advance's Whistleblowing policy by contacting in confidence a member of the Whistleblowing Panel, who will respect your wishes around anonymity as set out in the policy. The Whistleblowing policy and the Panel members can be found under the Policies tab on the intranet.
4. Employees have the right to raise concerns outside the organisation, guidance on how to do this can be found at <https://www.gov.uk/whistleblowing/overview>.

Remember that raising a concern about the support or services we deliver is not the same as raising a grievance. A grievance is a dispute about your own employment position. To learn more about the grievance process see our Grievance Policy.

**Need to know more?** Contact Alison Davies, Head of Business Assurance on 01993 866470, email [Alison.davies@advanceuk.org](mailto:Alison.davies@advanceuk.org)

## 1. POLICY STATEMENT

Whistleblowing is a process for raising concerns about unacceptable practices in the workplace. Speaking up about any concerns you have at work is really important. In fact it is vital because it will help us to keep improving our services for all customers and the working environment for staff.

### What is Whistleblowing?

Whistleblowing is the popular term used when someone working for an organisation raises a concern outside of their normal line management structure.

Normally the existing line management structure will address these concerns. Sometimes however, a staff member who wants to raise such matters may not be confident that their line manager will address the concern and this is where this policy and procedure applies.

**Whistleblowing** is where an employee has a concern about danger or illegality that has a public interest aspect (e.g. risk to Customers' health and safety; bribery; fraud).

### Examples of Concerns

These include (but this is not an exhaustive list):

- Customers' or employees' health and safety is not being maintained
- Risk to or mistreatment of Customers
- Unsafe care
- Customers' or employees' rights are not being respected
- Abuse, e.g. physical, sexual, emotional
- Harassment or bullying
- Breaches of Advance's policies and procedures
- Fraud, bribery or other illegal activity
- Misuse or embezzlement of funds or assets
- Criminal activity
- Breach of Confidentiality
- Poor work practices or unsafe working conditions
- Falsification of records
- Inadequate induction or training
- lack of or a poor response to reported incidents
- Bullying culture

### Who can blow the Whistle?

Any employee, Board member or volunteer of Advance has the right to 'blow the whistle'. We strongly encourage them to do so to a member of the Whistleblowing Panel.

Advance requires its entire staff to observe the organisation's work carefully and report diligently on anything that causes them concern. We believe that teamwork and loyalty to colleagues should not be allowed to deter staff from reporting concerns.

Trying to stop someone whistleblowing, or victimising them for whistleblowing, is a disciplinary offence and we will take a zero tolerance approach to this type of behaviour.

## Where does it apply?

This Whistleblowing policy and procedure applies across the entire Advance group.

## 2. WHISTLEBLOWING AT ADVANCE

Advance is committed to providing high quality, safe and dependable services. However, we recognise that sometimes things go wrong.

At the same time, Advance aims to create an atmosphere of open communication and commitment to high standards of work, within which criticisms can be frankly made and thoroughly investigated. Normally we expect concerns to be raised and dealt with through the line management system or I'm not Proud option.

However, sometimes an employee with such a concern does not feel confident that line management will deal with the concern properly or safely. An employee may feel unable to raise their concern through line management for a number of reasons, e.g:

- Knowledge or suspicion that their line management is implicated in the matter
- Fear of recrimination
- Collusion between work colleagues.

In these circumstances, the Whistleblowing procedure (set out in Appendix 1) provides a safe route for the employee to raise their concern with an experienced and senior person outside the situation. This route is the Whistleblowing Panel.

Our Whistleblowing procedure is designed to make sure that employees can speak freely about their concerns to an appropriate manager, former Board Member or external lay person without fear of recrimination.

You may feel worried about raising a concern, and we understand this but please don't be put off. In accordance with our duty of candour, our senior management are committed to an open, honest and learning culture. We will look into what you say and you will always have access to the support you need. You do not need to have proof of wrong doing and it does not matter if you turn out to be mistaken as long as you are genuinely concerned. However, an employee who deliberately makes false or malicious allegations may be subject to disciplinary action.

The law (see Appendix 2) protects employees who blow the whistle in the public interest. Harassment or victimisation of an employee raising a genuine concern will be regarded as a disciplinary matter. A "whistleblower" who feels themselves to be subject to hostile action from colleagues should inform their manager, who should, if necessary, take steps to alter the staff member's duties so as to protect them.

## Grievance or Whistleblowing?

Sometimes of course there will be overlap between what is a Whistleblowing issue and a Grievance issue (for example an employee being directed to drive unsafe vehicles to transport Customers). If in doubt, Whistleblowing Panel members will be able to advise an employee who raises such an overlapping case.

**Whistleblowing** is where an employee has a concern about danger or illegality that has a public interest aspect (e.g. risk to Customers' health and safety; bribery; embezzlement of public funds).

**Grievance** on the other hand is a dispute about an employee's own employment position, and does not have any public interest beyond that (e.g. being overlooked for promotion; not having one's expenses paid).

### 3. WHAT THE PANEL MEMBER WILL DO

- Seek to **clarify** the concern you are raising.
- Deal with **anonymity** and **confidentiality**. An employee can choose to raise concerns anonymously. However, this may make it more difficult to investigate and take action. If you wish, your initial contact will be confidential and your identity will not be disclosed to the accused, but if further action is needed it may not be possible to prevent your involvement if the law requires this.
- **Advise**. The Panel member will advise you about the appropriate course of action to take, exploring options available and considering the best 'single route' to keep the process as simple as possible for an employee. He/She will reach a decision on whether an investigation may be needed, and who should be asked to carry it out.

The Panel member will also be able to advise you whether your concern is more appropriately dealt with as a Grievance or Harassment issue under those separate procedures.

- **Support**. An employee who decides to whistle blow will most likely be feeling anxious and under some stress. The Panel member will offer reassuring support at a difficult time. He/She will also be able to refer you on to other supports inside and outside Advance.
- **Report**. Once the Panel member has taken the details of the issue raised, he/she will need to make a written report, most usually to the Advance Chief Executive. This report will respect the Confidentiality that you have agreed. The report may recommend that an investigation is carried out. Notification of the whistleblowing event needs to be notified by the appropriate Panel Member to the Director of Resources for recording in the Corporate Register.
- **Follow-up**. If appropriate the Panel member will follow-up to ensure the implementation of recommendations and resolution of the situation on a timescale to be agreed as appropriate.

### 4. INVESTIGATION

An investigation of the concern raised will be the responsibility of the Chief Executive, or other Director/Board member to whom the event is reported. Investigations that affect customer safeguarding may be overseen by the Safeguarding Panel.

During an investigation you will be supported to work normally. If need be, additional support or counselling will be provided.

The Investigation report will be presented to the relevant manager and discussed with the appropriate Director and/or Chief Executive, so that action can be agreed. Summary reports will go to Advance’s Audit Committee and to the Safeguarding Panel, where investigations cover matters that are relevant to safeguarding our customers (respecting your wishes for anonymity as set out above).

**Feedback and further Action**

Feedback will be given after the investigation is completed to the employee who has raised the concern. This must however respect the confidentiality of other employees.

If the employee needs clarification of or is dissatisfied with the feedback, he/she may contact the Panel member for further discussion.

**The Whistleblowing Panel**

The Panel is made up of:

- An independent Lay Member
- Advance Board Members or former Board Members
- Senior Advance managers.

Panel members receive training in their role, and know how to respond appropriately and positively to concerns. See contact details at Appendix 1.

Advance hopes that wherever possible an employee’s concerns can be addressed through line management. The Whistleblowing policy and procedures set out a route – through the Whistleblowing Panel – for employees to raise concerns safely outside the line management chain if they believe they need to do so. We believe these transparent measures enable us to tackle concerns effectively in the best interest of all.

Employees however, also have a right to raise whistleblowing concerns outside the organisation if they believe that to be the right course of action.

Guidance on this, and the legal protection afforded, can be found on the Gov.uk website <https://www.gov.uk/whistleblowing/overview>

Related Policies:	<ul style="list-style-type: none"> <li>• Grievance Policy</li> <li>• Harassment Policy</li> <li>• Data Protection</li> <li>• Retention of Records Policy</li> <li>• Information Security</li> <li>• Diversity &amp; Equality</li> </ul>
Related Documents:	<ul style="list-style-type: none"> <li>•</li> </ul>

**Administrative purposes only:**

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