

Cavernoma Alliance UK Whistle-Blowing Policy

Created

Date developed	By whom	Method of consultation and recommendations	Date adopted
14/12/2020	EYF Ltd. for CAUK		19/2/2021
Schedule for revision		This policy should be reviewed annually or sooner if needed.	

History of revisions

Review date	By whom	Summary of changes made	Date implemented
12/1/2021	Jane Jackson, Trustee	Updates on contact details, outcomes of investigation and sharing of information –	19/2/2021

Context

The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide protection for all staff from detrimental treatment should they need to raise concerns or report irregular activity or malpractice.

This policy applies to all staff and applies equally to volunteers and Trustees, providing reassurance that they will be protected should they need to report any concerns about the way that our organisation is run and/or our working practices.

Definition of terms

Whistleblowing	Is when someone who works in or for an organisation wishes to raise concerns about malpractice within the organisation. Whistleblowing encourages and enables staff to raise serious concerns within the organisation or to safely share their concerns outside of the organisation with external bodies without fear of reprisal.
Grievance policy	A grievance policy outlines the procedure for addressing internal disputes about pay, roles and responsibilities and term and conditions of employment.
Public Interest Disclosure Act 1998 (PIDA)	Is an Act of the Parliament of the United Kingdom that protects whistleblowers from detrimental treatment by their employer and/or employees.
Staff	Describes all paid and non-paid staff such as volunteers, Trustees and anyone who is representing CAUK.
Service users	Children and their parents, young people and vulnerable adults that engage with CAUK.

Policy statement

All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. By promoting a culture of openness within CAUK, staff and other stakeholders are encouraged to raise issues which are of concern at work. By knowing about malpractice at an early stage, steps can be taken to safeguard the interests of all staff and prevent fraud and corruption before it happens.

The aim of this policy is to help Trustees, staff (both paid and unpaid) and other partners to raise any serious concerns they may have about colleagues or CAUK with confidence and without having to worry about being victimised or disadvantaged in any way as a result.

This policy will ensure everyone is aware of what to do and the appropriate person to notify in the event of concerns around serious malpractice, breaches of regulations or criminal offences and will allow for investigation of matters where there is 'reasonable belief' that malpractice is or may be occurring. It will also advise on the protection they will receive from CAUK and their legal rights under the Public Interest Disclosure Act 1998 (PIDA).

It should be noted that the whistleblowing procedures should not be used in relation to staff grievances concerning individual terms and conditions of employment or other aspects of the working relationship which are handled under our Grievance Policy.

What is Whistleblowing?

Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to our activities. This includes bribery, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

Sometimes we may have concerns about events that are taking place at work. Generally, these concerns are resolved through the provision of information and informal discussions with senior leaders and/or Trustees, but when an individual feels that the informal route is not appropriate or has not addressed the concern, they must make a formal disclosure.

The term 'whistleblowing' is used to describe a formal disclosure of alleged corruption, malpractice or wrongdoing which is made to the appropriate regulatory or statutory body. This disclosure might be based on a colleague's conduct during the course of their employment or about CAUK's systems, procedures or practice.

Protection of the whistleblower

CAUK is committed to our Whistleblowing Policy and individuals are encouraged to raise concerns about malpractice in the context of the policy. Concerns will be treated seriously, and actions taken in accordance with this policy.

Individuals may be anxious that by reporting genuine whistleblowing concerns their actions may leave them vulnerable. It is important to emphasise that CAUK will not tolerate the victimisation, intimidation or penalisation of anyone raising a genuine concern, anyone involved in the subsequent investigation or anyone acting as a witness.

Anyone responsible for any such action against individuals making genuine disclosures will be the subject of disciplinary action. Whistleblowers receive protection under the PIDA Act and we will enforce this.

Reporting your concern informally

A staff member may wish to raise their concern with their manager in the first instance. This may be a verbal discussion or in writing. The issue will be dealt with in the strictest confidence and if the manager is not able to deal with the concern, it will be shared with the next most senior person within CAUK.

If the staff member feels that the manager is an inappropriate person to talk to, they may take their concern straight to someone more senior. If the concern involves the CEO, the staff member may wish to share their concern with the trustees.

Where the individual is not comfortable speaking to anyone within CAUK and they remain unsure as to whether to use this procedure or to take whistleblowing action, they can obtain independent advice by contacting the charity Protect (previously known as Public Concern at Work) 020 3117 2520 or online via protect-advice.org.uk/contact-us/

All concerns will be investigated to the best of our ability and in accordance with our policies and any relevant legislation. Information will be shared with senior members of staff and Trustees if this does not present a conflict of interest or is not detrimental to any possible investigation.

The staff member who raised the concern will be provided with an update on action taken, whilst observing our confidential policy, but outcome may not be able to be shared.

If the staff member is unhappy about the speed, conduct or outcome of the investigation, they should put their concerns in writing to the CEO (or the Board of Trustees, if the actions taken by the CEO have not gone far enough to deal with the concern raised or if the CEO is implicated).

Information will only be shared on a need-to-know basis, observing our confidentiality policy.

Your protection

A whistleblower must meet specified criteria in order to be protected by the PIDA. The criteria is outlined below:

- The disclosure must be made to an appropriate person.
- The person making the claim must have reasonable belief that wrongdoing is being or is about to be committed.
- The whistleblower must reasonably believe it to be substantially true and that the disclosure is in the public interest.
- The person making the claim should not collect the information to support the allegations improperly.

Malicious whistleblowing

Where the whistleblower makes an allegation maliciously, and:

- Does not act in the public interest
- Makes an allegation without having reasonable grounds for believing it to be substantially true
- Breaches our confidentiality policy
- Collects the information to support the allegations improperly, or
- Makes an allegation for personal or 3rd party gain.

they will be subject to formal disciplinary action, up to and including dismissal, and in some cases may be subject to a criminal investigation where illegality has occurred in order to achieve those aims.

Additionally, in circumstances where any of the above criteria applies, the staff member is unlikely to be protected as a whistle-blower under the PIDA.

Handling the disclosure

Upon receipt of the disclosure, a meeting to discuss the concerns will be offered and held within a reasonable period. The meeting will be held in a confidential and private location and an appropriate person will be designated to attend on behalf of CAUK.

This meeting will be of an exploratory nature depending on the type of concern and the staff member will be entitled to bring along someone to accompany them, should they wish to do so. The staff member will have the opportunity to detail the reasons for their disclosure and share any supporting facts with the appropriate person.

The appropriate person will make a formal note of the meeting, which will be shared with the whistleblower to:

- ensure accuracy
- outline the course of action in terms of next steps
- and agree a timeframe for those actions.

The appropriate person will then notify the CEO and/or the Chair of Trustees of the concern depending on the persons implicated in the disclosure. The identity of the whistleblower will be protected throughout this process, wherever possible.

Once the meeting has taken place, the appropriate person to whom the disclosure was made will consider the information and decide whether there is a case to answer or whether an investigation should be conducted to establish the facts. An investigating officer will then be appointed (if appropriate), and the scope of the investigation will be outlined. If, however, the disclosure does not meet the whistleblowing criteria, but the concern still needs to be addressed, the appropriate person should look to the rest of our policies to see if the concern better aligns to, for example, our disciplinary policy or code of conduct.

The appropriate person to whom the staff member initially made the disclosure will (unless advised otherwise), act as the main point of contact in the matter. They will be responsible for keeping the staff member up-to-date and will discuss progress and outcomes. This, however, will only be possible if the information to be shared does not impact on the safety of others. It may, therefore, be necessary to limit some information.

If, following the meeting, the appropriate person to whom the disclosure is made decides not to proceed with an investigation, this decision will be explained as fully as possible to the complainant. It is then open to the complainant to appeal against the outcome to the Board of Trustees.

Whistleblowing incidents will be recorded on a central register by the appropriate person which outlines the date of the incident and identifies the appropriate person supporting the concern. On the occasion that the appropriate person leaves/stands down, their records must be shared with another person, usually the CEO or the Chair of Trustees unless exceptional circumstances apply.

External Disclosure

It is hoped that this procedure will provide staff with the assurance they need to raise whistleblowing issues internally, however, we accept that there may be circumstances where members of staff feel that it is more appropriate to make the disclosure to an external body. This is known as a 'Public Disclosure'.

An external body may be non-regulatory such as the police, or alternatively may be regulated, in which case, the disclosure can be made to the body that has regulatory powers in the specific area of malpractice. These can include, but are not limited to:

- HM Revenue and Customers
- The Health and Safety Executive
- The Commissioners of Customs and Excise
- The Environment Agency
- The Charity Commission
- The Information Commissioner
- The Financial Conduct Authority
- The Serious Fraud Office

The disclosure will be protected under the PIDA as it would if the disclosure was made internally, as long as it meets the criteria previously outlined.

Should a staff member wish to discuss their concerns with an impartial body before escalating to a regulatory body, they can seek independent advice from the charity Protect (previously known as Public Concern at Work) 020 3117 2520 or online via protect-advice.org.uk/contact-us/

Protect will be able to advise individuals as to whether the disclosure to an outside body is advisable, would be appropriate, and under what circumstances they should consider contacting an outside body and how.

Once a disclosure has been escalated to an external body, the staff member will be advised of the processes used by the body and the actions that will be taken next.

Anonymous disclosure

The identity of the individual raising the concern will be kept confidential for as long as possible, provided that this does not limit the ability of the appropriate person or nominated individual within the regulatory body to carry out a comprehensive investigation.

In view of the protection afforded to an individual raising a genuine concern, it is considered desirable that they disclose their name, however, there may be special or unusual circumstances where an individual considers it necessary to make an anonymous disclosure.

It is, however, worth noting that where an anonymous disclosure occurs, the disclosure will be accepted and treated equally with those bearing a name. Anonymous claims can at times be more difficult to investigate as there is not the option to seek further information during investigation, and claimants cannot be contacted to discuss the outcome. This should not act as a barrier to making an anonymous disclosure if the individual feels that this is the best course of action for them.