



Whistle Blowing Policy	
Latest Review: May 2024	Next Review: May 2025
<p>Compliance:</p> <ul style="list-style-type: none"> • Employment Rights Act 1996 • Public Disclosure Act 1998 	
<p>Associated Policies:</p> <ul style="list-style-type: none"> • Safeguarding Adults • Safeguarding Young People • Health and Safety • Maintaining Professional Boundaries • Confidentiality • Code of Conduct 	
<p>The Public Interest Disclosure Act 1998 (commonly referred to as Whistleblowing) was introduced to protect employees who disclosed information about dangerous, unethical or criminal behaviour, from being dismissed or subjected to detrimental behaviour by their employer as a result of such a disclosure.</p> <p>Whistleblowing is revealing information based on knowledge, which calls attention to fraud, negligence, abuses or danger that affects individuals. The legislation requires the ‘whistle blower’ to have a genuine concern, but he/she is not expected to produce irrefutable evidence in support of their claim.</p> <p>Assist Trust is committed to encouraging a climate of openness in the workplace and creating a positive environment in which employees can raise their concerns without fear of reprisal.</p> <p>Assist Trust is also committed to eradicating any fraud, irregularity or malpractice which may arise within the organisation. Any reports of such activities will be taken seriously and investigated. Any employee who witnesses such activities and who decides to raise their concerns will receive the full protection of the legislation of this policy.</p> <p>The policy addresses the following areas:</p> <ul style="list-style-type: none"> • What disclosures are covered by the Act? • Making a disclosure • What will happen when a disclosure has been made? 	

1. What disclosures are covered by the Act?

Disclosures covered by the Act (referred to as qualifying disclosures) are those which, in the reasonable belief of the employee, show one or more of the following:

- That a criminal offence has been, or is likely to be committed
- That a person has, is, or is likely to fail to comply with a legal obligation
- That a miscarriage of justice has, is, or is likely to occur
- That the health and safety of an individual has, is, or is likely to be endangered
- That the environment has, is, or is likely to be damaged
- That information relating to the above examples of illegal and unethical behaviour has been, is, or is likely to be deliberately concealed

To be covered by the Act, the employee must make a qualifying disclosure and must do so in good faith, demonstrate a reasonable belief that the allegations are substantially true and not make the disclosure for personal gain, i.e the disclosure will only be protected if 'made in the public interest' (in the reasonable belief of the worker).

Employees must inform a manager of any breach of policy and procedure, or of the Code of Conduct. To do this is not 'whistleblowing' unless there has been some serious failing of the type listed above. If employees are unsure whether malpractice by another employee has taken place, they can refer to the Assist Trust's Code of Conduct, a copy of which can be obtained from the Chief Executive Officer or is found in the Policy Folder.

2. Making a Disclosure

Concerns which arise in the workplace can usually be discussed with a line manager. It is better to try to resolve matters at the lowest level at which they are likely to be able to be sorted out.

Whistleblowing is appropriate when the matter appears serious or when it is very difficult to raise through normal systems, or when a member of staff has done so and no action has been taken. An employee should make their disclosure to their line manager or where this is not appropriate, the Operations Manager, the Head of Services, the Chief Executive Officer or the Health and Safety representative. In some situations, an employee may consider it more appropriate to make the disclosure to the Chief Executive or to the Trustees, particularly where the employee feels senior managers may be implicated. Wherever possible, the disclosure should be in writing.

It is possible for an employee to make a disclosure anonymously but it would be preferable to Assist Trust if the employee were willing to give their personal details so they may be contacted in the event that further information is required.

Free, independent and confidential advice is available via the Whistleblowing Advice Line for Health and Social Care Staff on 08000 724 725.

3. What will happen when a disclosure has been made?

Information received will be treated very seriously by Assist Trust and in the strictest confidence.

An employee who makes a disclosure will be interviewed in order to obtain all the required information and to clarify any facts where necessary. Typically this interview will be conducted by the Manager to whom the disclosure was made, unless they are connected with the disclosure in some way. Depending on the nature and seriousness of the matter, the interview may be conducted by the Head of Services, the Chief Executive or a member of the Trustees.

The matter will be thoroughly investigated. The period over which any investigation will take place will be dependent on the nature of the disclosure.

During the investigation, all employees involved are expected to respect the need for confidentiality and failure to do so will be considered a disciplinary offence.

Following the investigation, Assist Trust will consider the action to be taken. Action taken will be appropriate to the circumstances and may include disciplinary action against the person alleged to have performed malpractice. It would also mean that Assist Trust may decide to report the matter to a third party such as the police authority or an appropriate public authority.

If required, the employee who made the disclosure will be advised of the progress of any investigation together with the final resolution and outcome taking into consideration the need for confidentiality.

Assist Trust will use its best endeavours to protect an employee who makes a disclosure from discrimination or victimisation. Any victimisation or discrimination against an employee making a protected disclosure will be considered a disciplinary offence with sanctions up to and including dismissal. An employee who feels they are being subjected to this behaviour must inform their line manager immediately.

Instances where an employee discloses confidential information to a third party unconnected to Assist Trust, for example the media, without having first followed steps outlined in this policy will be investigated by Assist Trust. Employees who are unable to provide a satisfactory reason to Assist Trust for disclosing information to the third party may be subject to disciplinary action in accordance with the organisation's Disciplinary procedure.

Any employee, who is not satisfied with the way in which their disclosure has been dealt with, should raise the issue in accordance with the Grievance procedure.

It should be noted that Assist Trust will take disciplinary action against any employee found to have made malicious or vexatious allegations and disclosures they know to be untrue.

All new staff are required to read this policy as part of their induction process.

Signed and Authorised by:

Name:

Role:

Date:

Name:

Role:

Date: