

WHISTLEBLOWING PROCEDURE

Introduction

At Learning Disability Network London (LDN London) we are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring and to address them if they do occur. This procedure does not form part of your contract of employment and may be amended or departed from at any time.

The aims of this procedure are to:

- encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- provide staff with guidance as to how to raise those concerns
- reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

Scope

This procedure applies to:

- employees
- workers engaged on a contract for services (sessional workers)
- agency workers
- self-employed individuals
- volunteers
- officers
- consultants
- contractors
- trustees.

Key responsibilities – staff

- Report any wrongdoing using this or some other appropriate procedure

Key responsibilities – managers

- Take allegations of wrongdoing seriously
- Protect staff who make allegations of wrongdoing in good faith
- Maintain confidentiality as appropriate

1. What is whistleblowing?

1.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity
- (b) failure to comply with any legal or professional obligation or regulatory requirements
- (c) miscarriages of justice
- (d) danger to health and safety
- (e) damage to the environment
- (f) bribery
- (g) facilitating tax evasion
- (h) financial fraud or mismanagement
- (i) breach of our internal policies and procedures including our Code of Conduct
- (j) conduct likely to damage our reputation or financial wellbeing
- (k) unauthorised disclosure of confidential information
- (l) negligence
- (m) the deliberate concealment of any of the above matters.

1.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this procedure.

1.3 This procedure should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the relevant Grievance Procedure.

1.4 If you are uncertain whether something is within the scope of this procedure you should seek advice from the Whistleblowing Officer, whose contact details are at the end of this procedure.

2. Raising a whistleblowing concern

2.1 We hope that in many cases you will be able to raise any concerns with your manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Whistleblowing Officer.

2.2 However, where the matter is more serious, or you feel that your manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- (a) The Whistleblowing Officer, Brian Watts, Director for People

(b) The Chair of Trustees, Lynne Peacock
Contact details are set out at the end of this procedure.

- 2.3 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this procedure. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 2.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

3. Confidentiality

- 3.1 We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 3.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from our confidential EAP service or Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are in appendix 1.

4. Investigation and outcome

- 4.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 4.2 In some cases we may appoint an investigator or team of investigators including staff or external people with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 4.3 We aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us

giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

- 4.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.
- 4.5 We may have to report externally anything reported that could be legally defined as “whistleblowing” if it is in the public interest (even if not made through this policy), e.g.:
- if a criminal offence may have been committed
 - if someone’s health and safety is in danger
 - risk or actual damage to the environment
 - a miscarriage of justice
 - the company is breaking the law
 - you believe someone is covering up wrongdoing.

5. If you are not satisfied

- 5.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this procedure you can help us to achieve this.
- 5.2 If you are not happy with the way in which your concern has been handled, you may contact the chair of the board of Trustees. Contact details are set in appendix 1.

6. External disclosures

- 6.1 The aim of this procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are in appendix 2.
- 6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you

to report such concerns internally first. You should contact the Whistleblowing Officer for guidance.

7. Protection and support for whistleblowers

- 7.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this procedure, even if they turn out to be mistaken.
- 7.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 7.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

8. People responsible for the procedure

- 8.1 The board has overall responsibility for this procedure, and for reviewing the effectiveness of actions taken in response to concerns raised under this procedure.
- 8.2 The Whistleblowing Officer has day-to-day operational responsibility for this procedure, and must ensure that all managers and other staff who may deal with concerns or investigations under this procedure receive regular and appropriate training.
- 8.3 The Whistleblowing Officer, in conjunction with the board will review this procedure from a legal and operational perspective annually.
- 8.4 All staff are responsible for the success of this procedure and you should ensure that you use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this procedure and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

Review of procedure

Date of last review	February 2021
Date of next review	February 2022
Date it was first implemented	January 2000
Author(s)	Director for People
Audience	All Employees and workers

Appendix 1 – Contacts

Whistleblowing Officer	Brian Watts, Director for People 07960 435815 whistleblow@wspld.org
Chair of Trustees	Lynne Peacock chair@wspld.org
Protect (Independent whistleblowing charity)	Helpline: 020 3117 2520 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk
Speak Up – the confidential helpline for NHS and Social Care staff	08000 724725.

Appendix 2 – Regulators

Name	Contact details
CQC (Care Quality Commission) Citygate, Gallowgate Newcastle upon Tyne NE1 4PA www.cqc.org.uk	03000 616161 https://www.cqc.org.uk/files/whistleblowing-quick-guide-raising-concern-cqc
Ofsted Piccadilly Gate Store Street Manchester M1 2WD www.ofsted.gov.uk	03001 234 666
Charity Commission Information Compliance PO Box 1268 Liverpool L69 3AR https://www.gov.uk/government/organisations/charity-commission	08453 000 218 Whistleblowing guidance https://forms.charitycommission.gov.uk/raising-concerns/
Companies House Crown Way Cardiff CF14 3UZ https://www.gov.uk/government/organisations/companies-house	0870 3333 636
Health & Safety Executive	020 7556 2201

Rose Court
 2 Southwark Bridge
 London SE1 9HS
www.hse.gov.uk

To report concerns direct to local authorities

If you believe someone is in immediate danger	Call the Police - 999
To report a concern about a child or young person in Westminster	Tel: 020 7641 4000 Tel: 020 7641 6000 (Out of hours) Email: AccesstoChildrensServices@westminster.gov.uk
To report a concern about an adult in Westminster	Tel: 020 7641 2176 Tel: 020 7641 6000 (out-of-office-hours) Email: adultsocialcare@westminster.gov.uk
To report a concern about an adult in Kensington & Chelsea	Tel: 020 7361 3013 (9am to 5pm) Tel: 020 7373 2227 (out-of-office-hours) Email: socialservices@rbkc.gov.uk
To report a concern about an adult in Camden	Tel: 020 7974 4000 and select option 1, or email us on adultsocialcare@camden.gov.uk .
To report a concern about an adult in Islington	Tel: 202 7527 2299 (9am to 5pm M-F) Tel: 020 7226 0992 (out of office hours)
To report a concern about an child or young person in Harrow	Tel: <u>07968 485704</u> (9am to 5pm M-F) Tel: <u>020 8424 0999</u> (out of office hours)