

Whistleblowing Policy and Procedure

1. Introduction

This policy applies to all employees and officers of Surrey Choices. Other individuals performing functions in relation to the company, such as agency workers, contractors, volunteers and students are encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of the company is reported and properly dealt with. The company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Whistleblowing refers to making a disclosure in the public interest about malpractice or wrongdoing in the workplace. This means that Surrey Choices staff should speak out if there is a concern about inappropriate or unlawful conduct, financial mismanagement or poor practice and behaviour.

Surrey Choices is committed to achieving the highest possible standards of service. In order to achieve this standard, we encourage staff to use the whistleblowing policy to report any malpractice or illegal acts or omissions by people working for Surrey Choices.

The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

The Management team will not tolerate the harassment or victimisation of anyone raising a genuine concern.

2. Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". Any worker raising such concerns under this policy must have a reasonable belief that the matter in question has occurred or is likely to occur and their concerns must be raised following the procedure set out in section '4' below.

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A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the company's responsibility to ensure that an investigation takes place.

The company encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the HR department.

The Surrey Choices Senior Management Team will ensure that a worker who raises a genuine concern under the whistleblowing policy will not be at risk of losing their job or be subjected to any other detriment, or victimised because he/she has made a disclosure.

Where there are concerns relating to someone's practice who works for another employer, the concerns should be reported to the Surrey Choices member of staff line manager who should then raise the concerns with the manager of the person about whom there are concerns. Alternatively, he/she could discuss the matter with the Surrey Choices HR department.

3. Principles

Everyone at Surrey Choices should be aware of the importance of preventing and eliminating wrongdoing at work. All workers at Surrey Choices must understand and follow the company's safeguarding procedure which means that people should not be exposed to abuse whether physical, psychological, sexual or financial, neglect or institutionalised and should be watchful for illegal or unethical conduct and report anything of which they become aware of that nature.

It is not the worker's responsibility to investigate or decide if an offence has occurred but, to make sure that the appropriate reporting takes place. Any

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matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.

No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.

Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence and co-workers who are found to have victimised whistle-blowers could be held personally liable for their actions.

If misconduct is discovered as a result of any investigation under this procedure the company's disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a member of the Surrey Choices Senior Executive team.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the company's grievance procedure.

4. Procedure

- 4.1 In the first instance the member of staff should either read the Surrey Choices Whistleblowing Policy and Procedures and where unsure of what to do seek advice from the Surrey Choices HR Manager, a Trade Union, or the Whistleblowing external helpline or discuss the concern informally with their line manager who will try to resolve the concern (Appendix 1, Stage 1 of flowchart).
- 4.2. The member of staff should refer to Appendix 3 (Guidance for workers).
- 4.3. A concern should be raised with the person's line manager either face to face, by telephone, in writing (letter or email) or by completing the Raising Concerns Disclosure Form. (See Appendix 2 – Raising Concerns disclosure form).

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- 4.4. A concern that is raised anonymously can be more difficult to deal with and investigate appropriately as the investigating manager may have little or no confirmed evidence to substantiate the allegations and cannot obtain more information from the worker or give them feedback.
- 4.5. The Manager receiving the concern should refer to Appendix 4 – (Guidance for Managers).
- 4.6. When an individual raises a concern with a manager there should be consideration as to whether it is a qualifying whistleblowing issue or whether the matter is a personal employment issue which would be more appropriately dealt with through the Surrey Choices Grievance Procedure.
- 4.7. If the member of staff feels that the concern they have raised with their line manager has not been dealt with or that they cannot discuss the issue with their line manager e.g. the line manager is implicated within the issue, the concern should then be raised with a more senior manager (Appendix 1, Stage 2 of flowchart).
- 4.8. The Senior Manager will respect a worker's request for confidentiality and will explain where there may be limits on confidentiality e.g. legal or police led investigations.
- 4.9. The Senior Manager will ensure that the concerns are investigated thoroughly and fairly, identifying a person to undertake the investigation and will advise the member of staff the timescale for the completion of the investigation.
- 4.10. The Senior Manager will consider what support is necessary for the person raising the concern and ensure that any support arrangements are in place.
- 4.11. The investigating manager will conduct a full investigation of the concerns raised including the interview of any witnesses and the examination of relevant documentation and records.
- 4.12. The investigating manager will produce a written report with recommendations for the Senior Manager within the timescale stated by the Senior Manager which should not exceed 28 days.
- 4.13. The Senior Manager will formally share the outcome of the investigation findings and recommendations with the concern raiser.
- 4.14. If the member of staff feels that the concern has not been dealt with by the Senior Manager to their satisfaction the concern should then be

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escalated to the Managing Director of Surrey Choices. (Appendix 1, Stage 3 of flowchart).

- 4.15. The Surrey Choices Managing Director will review the findings of the investigation undertaken at Stage 2 and may request additional information or recommend further actions in an attempt to resolve the concern. The Managing Director will formally share the outcomes of any further actions with the concern raiser.
- 4.16. If the member of staff feels that the concern has not been dealt with by the Surrey Choices Managing Director to their satisfaction a referral can then be made externally to a 'prescribed person'. (Appendix 1, Stage 4 of flowchart).
- 4.17. The 'prescribed person' as designated under the Public Interest Disclosure Act relevant to the NHS and Social Care include:
- The Care Quality Commission (CQC)
 - Monitor
 - The Health and Safety Executive
 - The Charity Commissioners for England and Wales
 - Professional regulatory bodies (e.g. Health Care Professional Council (HCPC), Nursing and Midwifery Council (NMC))
 - Member of Parliament
- 4.18. Surrey Choices staff should always seek to resolve the concern internally and exhaust all internal procedures before taking the step of raising the concern more widely.
- 4.19. Should the concern raiser feel unable to raise the concern at any level within Surrey Choices, consideration should be given as to raising a concern with a regulator. (See Appendix 5 – list of prescribed persons).

5. Monitor and Review

All concerns raised formally under the Whistleblowing procedures together with the outcomes will be formally recorded and shared with the Senior Management Team.

The nature of the concerns and the outcomes will be reported to the Managing Director at the Senior Executive meeting, in order that Senior Management is

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fully aware of and are assured that concerns are being responded to appropriately.

Learning and recommendations arising from concerns reported and any subsequent investigations will be reviewed against any relevant Surrey Choices Policies and Procedures.

6. Data protection

When an individual makes a disclosure, the company will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals for the purposes of dealing with the disclosure only.

Post Holder Responsible for Policy	HR Manager
Date Created or Last Review	May 2018
Date of next Review	May 2020