

Whistleblowing Policy

Name of Local Mind	Hammersmith and Fulham, Ealing, and Hounslow Mind
Policy	Whistleblowing Policy
Version	V1.2
Date when last reviewed	August 2021
Date when next review due	August 2024
Author	Terri-Anne McKeown and Steve Niewiarowski
This policy is for	All Staff, contractors, and volunteers

This policy was initially created by the Head of People Services, with additional consultation from staff and Radar (HFEH Mind's Employment advice service supplied by National Mind).

In addition, the policy was reviewed between August and December 2021 as part of the Mind Quality Mark (MQM). From August 2021, a change log has been added to clarify updates related to this policy.

Version	Change Type	Description of Change(s)	Date
V1.2	Updated template	Changed to new HFEH Mind Policy Template	12/09/2022

Policy

A whistle-blower is someone who discovers something wrong and alerts his employer or the relevant authorities as to what is going on.

It is important to us that any fraud, misconduct or wrongdoing by staff or others working on behalf of Hammersmith, Fulham, Ealing, and Hounslow Mind is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run.

The law recognises that whistle-blowing occurs and protects employees who are whistle-blowers from detrimental treatment such as dismissal. To be protected by the law a whistle-blower must fall within the stringent legal rules. Anyone who does not act in good faith or is motivated by personal gain will not be protected.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

We would hope you never feel it necessary to use this policy. We ask that you have exhausted in the first instances, discussions with Managers, senior managers (not necessarily your own), HR, the Chief Executive or a member of the Board of Trustees. We hope that you will see whistle-blowing as a last resort if internal channels do not remedy the problem.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee 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 you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the responsibility of the organisation to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of Hammersmith, Fulham, Ealing, and Hounslow Mind should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of Hammersmith, Fulham, Ealing, and Hounslow Mind 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 they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our 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, you should not agree to remain silent. You should report the matter to the Chief Executive or the Chair of the Board of Trustees.

Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

Stage 1: Initially if you have concerns, they should be raised to your line manager who in most cases will be able to help resolve or escalate as required.

Stage 2: If your concerns are not resolved in stage 1 or they involve your line manager, any concerns should be raised with your Head of Service and HR Manager, who will arrange an investigation of the matter. You must inform both parties by phone and ensure you do not record anything anywhere, particularly on a platform visible to other staff (Sharepoint/Views/IAPTUS etc) If the concern relates to a member of staff being a

perpetrator of abuse or neglect towards an adult and/or child, you need to inform the adult safeguarding lead.

The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your line manager will take any necessary action, including reporting the matter to the CEO and any appropriate government department or regulatory agency. Your line manager will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the organisation has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained. You must ensure you do not discuss this disclosure with other staff members or managers, only with the HR manager and your head of service.

Stage 3: If you are concerned that the Head of Service is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the CEO. The CEO will arrange for a review of the investigation to be carried out, make any necessary enquiries, make their own report and inform the chair of the board.

Stage 4: If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority
- The Local Authority Safeguarding Team
- The Local Authority Designated Officer (LADO: A LADO investigates all allegations against professionals who have perpetrated abuse towards a child)

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the 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 only for the purposes of dealing with the disclosure.