

# Expression of Serious Concern Policy (Whistleblowing)

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## 1. Introduction

- 1.1 At all times the Charity conducts its business with the highest standards of integrity and honesty. It expects all its employees and volunteers to maintain the same standards in everything they do.
- 1.2 Any of us may have concerns about what is happening at work, but usually these are easily resolved. Issues that are personal to employees or that concern breaches of THT policies or codes of conduct, or other inappropriate behaviour in the workplace should be raised under THT's grievance policy. Serious concerns, however, which involve unlawful conduct and raise issues that are in the public interest should be raised under this policy. This would include such matters as financial malpractice, misconduct towards service users, disregard of health & safety, and endangering the public or the environment.
- 1.3 In such cases it is important that staff and volunteers are aware of what they should and should not do and feel supported and unafraid of recriminations. In particular, staff must be afforded all of the protection given under The Public Disclosure Act 1998.
- 1.4 The purpose of this paper is to set out THT's policy on Expressing Serious Concerns. Another term used to describe the concerns that should be raised under this policy and procedure is whistleblowing.

## 2. The Policy

- 2.1 THT is committed to the highest standards of both personal and corporate honesty and integrity. If any staff member or volunteer becomes aware of behaviour or actions which they believe to be unlawful, they have duty to take appropriate action. This applies to all those who work for us; whether part-time or full-time, employed through an agency or as a volunteer.
- 2.2 If the individual who becomes aware of the unlawful conduct is senior to the person behaving inappropriately, the matter should normally be addressed through line management processes and under the relevant policies (such as Grievance Policy, Dignity at Work Policy, Capability Policy and Procedure, Disciplinary Policy and Procedure).
- 2.3 If the individual who becomes aware of the unlawful conduct is a subordinate or peer, they should use this procedure to ensure that action is taken.

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### 3. THT's assurances to the individual

#### 3.1 Safety

- 3.1.1 If an individual raises a whistleblowing concern under this policy, they will not be at risk of losing their job or suffering any retribution as a result. Provided an individual has a reasonable belief that they are disclosing information about unlawful conduct in the public interest, it will not matter if they are mistaken. This assurance will not be extended to someone who raises a matter they know to be untrue. This will be treated as a disciplinary matter by THT.

#### 3.2 Confidentiality

- 3.2.1 THT will not tolerate the harassment or victimisation of anyone raising a whistleblowing concern. However, it is recognised that an individual may want to raise their concern in confidence under this policy. If an individual asks us to protect their identity, we will not disclose it without their consent. The exception will be when we are obliged to reveal their identity, on legal grounds, where investigation of serious allegations leads to the establishment of an external enquiry, police action against individuals, or potential dismissal of employees. If it becomes clear any of these may apply; we will discuss with the individual how we intend to proceed.

#### 3.3 Anonymous allegations

- 3.3.1 Whilst anonymous reports may be considered it is much more difficult to look into concerns which are raised anonymously. If individuals with whistleblowing concerns do not tell us who they are, it may not be possible for THT to investigate the concern, or offer protection to the individual. If an individual is unsure about raising a concern independent advice can be obtained from Public Concern at Work (see contact details under Independent Advice).

### 4. How THT will handle a whistleblowing concern

- 4.1 Once an individual has expressed their whistleblowing concern, THT will assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell the individual who will be handling the matter and how they can be contacted, and if we need further assistance from the individual. If requested, we will write to the individual summarising their concern and an outline of our proposed approach to handling the matter.
- 4.2 The purpose of this policy is to enable THT to investigate unlawful conduct and take appropriate steps to deal with it and we will provide the person who expressed the concern with as much feedback as we properly can.

- 4.4 If requested, we will confirm our response/ conclusion in writing. However, we may not be able to tell the individual the precise action we take where this would infringe the confidentiality owed by us to someone else.

## 5. Duties of staff and professionals

- 5.1 In addition to the general duty of staff to disclose unlawful conduct to their employer, some professional THT staff are also under obligation to their statutory body, within their codes of conduct, to take positive steps to disclose any concerns about colleagues which may affect the care or advice provided. Details can be obtained from the relevant professional body.

- 5.2 The professional bodies for some professional groups within THT include:

- Association of Certified Chartered Accountants (ACCA)
- Association of Chartered Accountants (ACA)
- British Association for Counselling and Psychotherapy (BACP)
- Chartered Institute of Management Accountants (CIMA)
- Chartered Institute of Personnel and Development (CIPD)
- Fundraising Authority (FA)
- General Medical Council (GMC)
- Nursing and Midwifery Council (NWC)
- Solicitors Regulation Authority (SRA)

## 6. Procedure – How to raise a concern

### 6.1 Step 1

Although Trustees have ultimate responsibility for receiving expressions of whistleblowing concern, if an individual has such a concern, we hope they will feel able to raise it first with their line manager. This may be done verbally or in writing.

### 6.2 Step 2

If they feel unable to express the concern to their line manager, for whatever reason, the matter can be raised with:

- Acting Deputy Resources Director – Peter Norgate
- Head of Legal and Governance – Amanda Bearman

The individual must indicate if they wish the expression to be in confidence so that the appropriate arrangements can be made.

## 6.3 Step 3

If the individual feels their concerns are so serious that they cannot discuss it with any of the above, they may contact the Chief Executive's office or one of the designated Board Trustees who will be responsible for investigating genuine concerns. The designated Board Trustees are Gavin Wills and William Roberts.

- 6.4 If the concern expressed relates to the Chief Executive, the designated Trustees will refer the concern to the Chair, for appropriate investigation. All expressions of concern under this policy will be shared with the designated trustee in every event. The trustee will consider the severity and authorise the internal investigation or escalate the matter to an external investigator. In the event that an external investigator is appointed they shall be given clear terms of reference for the investigation to be carried out.

- 6.5 Concerns of significant magnitude under this policy will be brought to the attention of the full Board of Trustees. For example this could include major fraud.

- 6.6 The designated Trustees, Gavin Wills and William Roberts, can be contacted by email in confidence to [gavin.wills@live.co.uk](mailto:gavin.wills@live.co.uk) or [william.roberts@tht.org.uk](mailto:william.roberts@tht.org.uk).

## 7. How we will handle the matter

- 7.1 We will write a letter acknowledging receipt within five working days of the concern being expressed. In this letter we will indicate the proposed timescale for dealing with the concern depending on the nature of the concern expressed, who is handling the matter and the likely time requirement for investigation. We will assess the concern and consider what action may be appropriate. This may involve a formal review, an internal inquiry or an external investigation.
- 7.2 Whenever possible, we will give the individual feedback on the outcome of any investigation. However, THT will not be able to give exact details where this would infringe a duty of confidentiality to another person.
- 7.3 If at any stage the individual experiences reprisals, harassment or victimisation for raising a whistleblowing concern they should contact either of the individuals listed at 6.2 or 6.3 above. THT considers retaliation against a whistle-blower to be a very serious matter, which in many cases will need to be addressed separately to the investigation of the whistleblowing concern itself.

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## 8. External contacts

If for any reason the individual feels unable to raise the issue through the above process, there are a number of external organisations that will support individuals in raising whistleblowing concerns:

### 8.1 Charity Commission:

<https://www.charitycommission.gov.uk>

<https://www.charitycommission.gov.uk/contact-us/general-enquiries/report-a-concern-about-a-charity/>

### 8.2 CQC: (Care Quality Commission)

National Customer Service Centre:

Telephone: 03000 616161

Fax: 03000 616171

Opening hours are Monday to Friday, between 8.30am and 5:30pm, excluding bank holidays. Calls will be charged at the standard rate.

CQC National Customer Service Centre  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA

<http://www.cqc.org.uk/contact-us>

## 9. Independent Advice

If an individual is unsure whether to use the policy or wants confidential advice at any stage, they may contact the independent charity Public Concern at Work on 020 7404 6609, email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk) or website [www.pcaw.org.uk/individual-advice](http://www.pcaw.org.uk/individual-advice).