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Commercial

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Whistleblowing Policy

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**What is Whistleblowing?**

In this policy ‘Whistleblowing’ means the reporting by employees of suspected misconduct, illegal acts or failure to act within Insert name of member company (hereinafter referred to as the Company).

The aim of this Policy is to encourage employees or others who have serious concerns about any aspect of the Company’s work to come forward and voice those concerns.

Employees are often the first to realise that there may be something seriously wrong within the Company. ‘Whistleblowing’ is viewed by the Company as a positive act that can make a valuable contribution to the Company’s efficiency and long-term success. It is not disloyal to colleagues or the Company to speak up. The Company is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

If an employee is considering raising a concern they should read this Policy first. It explains:

* The type of issues that can be raised.
* How the person raising a concern will be protected from victimisation and harassment.
* How to raise a concern.
* What the Company will do.

**Aims and implementation of the Policy**

The Policy is designed to ensure that employees can raise their concerns about wrongdoing or malpractice within the Company without fear of victimisation, subsequent discrimination, disadvantage or dismissal. It is also intended to encourage and enable them to raise serious concerns within the Company rather than ignoring a problem or 'blowing the whistle' outside.

Aims

* Encourage employees to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice.
* Provide avenues to raise those concerns and receive feedback on any action taken.
* Ensure that employees receive a response to their concerns and are aware of how to pursue them if they are not satisfied.
* Reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Scope of this Policy

This Policy is intended to enable those who become aware of wrongdoing in the Company affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistle Blowing Policy is not intended to replace existing procedures:

* If an employee’s concern relates to their own treatment as an employee, they should raise it under the existing grievance or harassment procedures
* If a client has a concern about services provided to him/her, it should be raised as a complaint to the Company

The Policy applies to all:

* Employees of the Company.
* Employees of contractors working for the Company, for example, agency staff and Sub Contractors.
* Employees of suppliers.
* Those providing services under a contract or other agreement with the Company in their own premises or on site.

What should be reported

Any serious concerns that employees or others have about service provision or the conduct of employees or Sub Contractors of the Company or others acting on behalf of the Company that:

* Make them feel uncomfortable in terms of known standards.
* Are not in keeping with the Company policies.
* Fall below established standards of practice.
* Are improper behavior.

These might relate to

* Conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation).
* Disclosures related to miscarriages of justice.
* Racial, sexual, disability or other discrimination.
* Health and safety of the public and/or other employees.
* Damage to the environment.
* Unauthorised use of public funds or other assets.
* Possible fraud and corruption.
* Neglect or abuse of clients.
* Other unethical conduct.

NB: This list is not exhaustive.

**Protecting the Whistleblower**

Legal rights

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act’s provisions and in the public interest.

The Act makes it unlawful for the Company to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee’s interest to come into the open as soon as possible. The Company cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

**Harassment or Victimisation**

The Company is committed to good practice and high standards and to being supportive of an employee.

The Company recognises that the decision to report a concern can be a difficult one to make. If an employee honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer, their colleagues and those for whom they are providing a service.

The Company will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect them when they raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

**Support to Whistleblowers**

Throughout this process:

* Employees will be given full support from senior management.
* Their concerns will be taken seriously.
* The Company will do all it can to help them throughout the investigation

If appropriate, the Company will consider temporarily re-deploying them for the period of the investigation. For those who are not Company employees, the Company will endeavor to provide appropriate advice and support wherever possible.

**Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the employee’s identity if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of their disclosure without their help, so they may be asked to come forward as a witness. If they agree to this, they will be offered advice and support.

**Anonymous Allegations**

This Policy encourages employees to put their name to their allegation whenever possible. If they do not tell the Company who they are it will be much more difficult for it to protect their position or to give them feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account would include:

* The seriousness of the issue raised.
* The credibility of the concern.
* The likelihood of confirming the allegation from other sources.

**Untrue Allegations**

If an employee makes an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Company will recognise their concern and they have nothing to fear. If, however, they make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

**Raising a Concern**

Who should an employee raise their concern with?

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. The employee should normally raise concerns with:

* Their Line Manager
* A Director
* The Managing Director
* The Chief Executive

How to raise a concern

An employee may raise their concern by telephone, in person or in writing. The earlier they express their concern, the easier it is to take action. They will need to provide the following information:

* The nature of their concern and why they believe it to be true.
* The background and history of the concern (giving relevant dates).

Although employees are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that they have a genuine concern relating to suspected wrongdoing or malpractice within the Company and there are reasonable grounds for their concern.

They may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

An employee may invite their trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns they have raised.

**What the Company will do**

The Company will respond to an employee’s concerns as quickly as possible. Do not forget that testing their concerns is not the same as either accepting or rejecting them. The overriding principle for the Company will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

* Be investigated by management, internal audit, or through the disciplinary/grievance process.
* Be referred to the police.
* Be referred to the external auditor.
* Be referred and put through established child protection/abuse procedures.
* Form the subject of an independent inquiry.

Within ten working days of a concern being raised, the person investigating an employee’s concern will write to them:

* Acknowledging that the concern has been received.
* Indicating how the Company proposes to deal with the matter.
* Supplying them with information on staff support mechanisms.
* Telling them whether further investigations will take place and if not, why not.

The amount of contact between the employee and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of their information. It is likely that they will be interviewed to ensure that their disclosure is fully understood.

Any meeting can be arranged away from their workplace if they wish and a union or professional association representative or a friend may accompany them in support. The Company will do what it can to minimise any difficulties that they may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Company will arrange for them to receive appropriate advice and support.

Employees need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

**How the Matter can be Taken Further**

This Policy is intended to provide employees with an avenue within the Company to raise concerns. The Company hopes they will be satisfied with any action taken. If they are not, and they feel it is right to take the matter outside the Company via the following

* The External Auditor.
* The police.
* Other relevant bodies prescribed by legislation – such as Public Concern at Work will be able to advise them who they can contact.

If they raise concerns outside the Company, they should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this Policy.

An employee should not disclose information that is confidential to the Company or to anyone else, such as a client or contractor of the Company, except to those included in the list of prescribed contacts.

This Policy does not prevent them from taking their own legal advice.

**Corporate Recording and Monitoring**

The Company will maintain a corporate register containing all concerns that are brought to their attention. All Managers allocated to look into a concern must ensure that sufficient details of the concern are entered in the corporate register.

The Company will review the corporate register and produce an annual report for Management. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

* The Company and/or the relevant department learns from mistakes and does not repeat them.
* Consistency of approach across the departments.

The corporate register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.