

## **WEBBER AND QUENTIN**

### WHISTLEBLOWING POLICY "DOING THE RIGHT THING"

#### **1. Policy Statement**

- 1.1. This policy is not only applicable to residents and staff members but also other stakeholders such as contractors.
- 1.2. Webber and Quentin is committed to the highest standards of quality, honesty, openness and accountability.
- 1.3. This statement is intended to underline the commitment and support to those who come forward to express concerns anywhere within Webber and Quentin. As part of that commitment, all members of the TMO encourage stakeholders with serious concerns about any aspect of our work to do the right thing and come forward (see section 5) and express those concerns. In many cases, concerns or complaints will be dealt with through our normal procedures (1:1's, complaints, grievances). However, in some cases, it is recognised that persons will need to come forward on a confidential basis without fear of reprisal or victimisation. Those that work for the TMO, in whatever capacity are often the first people to realise that there may be something seriously wrong within the organisation, but may not express their concerns. This could be for a number of reasons:
  - Speaking up might be regarded as disloyal by colleagues or the organisation
  - Fear that they may be victimised
  - Doubts about reporting what might only be a suspicion, or
  - It might seem easier to ignore it and not get involved.

#### **2. What is Whistleblowing?**

- 2.1, "Whistleblowing" is often understood as reporting a concern outside the organisation because, for various reasons, the employee, contractor or consultant does not wish or feel able to raise the matter internally within the organisation. This Whistleblowing Policy aims to encourage and enable stakeholders to raise serious concerns by "blowing the whistle" **within** the organisation, rather than overlooking a problem or raising the issue externally.
- 2.2. Whistleblowing is a means to deliver good management, to maintain public confidence and to promote organisational accountability.
- 2.3. There are existing procedures in place to enable stakeholders to raise concerns and complaints, be it about the conduct of a service, to protect service users from abuse and other forms of ill treatment or in more general matters relating to the provision of services. The Whistleblowing policy has a wider application and is intended for any form of malpractice and cover up of any of these.

#### **3.1. Consultation and Information for Staff**

- 3.1.1. Staff will be consulted and involved as procedures and practises on confidential reporting are developed. The Group Management Team will make a commitment to regularly review the policy, and where there are any changes proposed, staff, board members and recognised trade unions will be consulted.
- 3.1.2. Through the staff induction and briefing process, staff will know how to recognise problems, and understand the effects that they may have on the organisation, their jobs and the service.
- 3.1.3. Each association will ensure that staff understand the code of conduct for all employees and the standards of work practices, and what practises are regarded as unacceptable within the Group. Staff should study a copy of the staff handbook and procedures carefully, and discuss with their manager anything that seems unclear. If they are not sure what to do in a given situation, they should ask any member of the senior team before taking any action.

### **3.2. Consultation and Information for Other Stakeholders**

- 3.2.1. Contractors, consultants and other stakeholders will be issued with a copy of the Whistleblowing policy, and their attention will be drawn to its relevance to their organisation and Webber and Quentin.
- 3.3. Examples of unacceptable behaviour where the whistle should be blown are as follows: -
  - Frauds, corruption and malpractice
  - Criminal or illegal behaviour
  - Miscarriage of justice (e.g. staff member wrongly disciplined or dismissed)
  - Danger to Health & Safety
  - Abuse or neglect of vulnerable people
  - Failure to deliver proper standards of service (e.g. fail to comply with legal obligation)
  - Damaging personal conflicts at senior level
  - Bullying, discrimination, harassment or victimisation in the work place
  - Showing undue favour over a contractual matter or to a job applicant
  - An attempt to cover up any of the above
- 3.4. When a problem is reported, the matter will be dealt with seriously. Fraud and serious abuse will be pursued as vigorously as possible through the disciplinary procedures, or if necessary, through the courts; frauds are always reported to the police and dealt with appropriately.

## **4. Confidential Reporting**

- 4.1. The Public Interest Disclosure Act 1998 (which came into force in July 1999) gives legal protection to Whistleblowers who honestly and reasonably believe that the information they disclose or the allegations they make are substantially true. The Act extends protection given to Health and Safety representatives to individuals who raise genuine concerns about health and safety or environmental risks. The Act

protects Whistleblowers in the respect that if s/he is victimised, s/he can bring a claim to an employment tribunal for compensation.

4.2. The Act does not give stakeholders carte blanche to make allegations. The stakeholder is only protected if the following criteria is fulfilled: -

- The disclosure is made in good faith
- Reasonably believes that the information disclosed, and any allegation contained within it are substantially true
- S/he does not make the disclosure for the purpose of personal gain, and
- In all the circumstances of the case, it is reasonable for him or her to make the disclosure

4.3. A qualifying disclosure tends to show one of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which s/he is subjected
- That a miscarriage of justice has occurred, is occurring or is likely to occur
- That the health and safety of any individual has been, is being or is likely to be endangered
- That the environment has been, is being or is likely to be endangered
- That the environment has been, is being or is likely to be damaged

4.4. It may be a daunting prospect to report a concern, particularly one which may relate to fraud or corruption however it is best for the concerned stakeholder to come forward with any concerns as soon as possible, before problems have a chance to become more serious.

4.5. If the prospective Whistleblower prefers, they can come forward with another colleague, to report a concern. If the Whistleblower is a staff member, it is recognised that they may wish to seek advice and be represented by their trade union officers when using the provisions of this policy. The role of trade union officers is acknowledged and endorsed.

4.6. Once the concern has been reported, a thorough investigation will be carried out, and the Whistleblower will be protected from reprisals, victimisation or discrimination. If any stakeholder comes forward with a concern, they can be confident that this will not affect their career or enjoyment of their job or contract with the Group. This applies equally if the Whistleblower comes forward in good faith with a concern which turns out later not to be justified.

4.7. The utmost will be done to respect confidentiality, if it has been requested.

4.8. If it transpires that anyone within Webber and Quentin tries to discourage a prospective Whistleblower from coming forward to express a concern or attempts to suppress information, it will be treated as a disciplinary offence. In the same way, appropriate action will be taken to anyone who criticises or victimises the Whistleblower after a concern has been expressed.

## **5.1. Whom to Contact for Staff**

- 5.1.1. In most cases, the prospective Whistleblower should be able to raise concerns with either the TMO Manager or the Chair of the TMO. If for some reason this is not appropriate, a report can be made to the TMO monitoring at Southwark Council. The prospective Whistleblower should ask for a confidential meeting which will be respected.

## **5.2. Whom to Contact for Other Stakeholders**

- 5.2.1. The prospective Whistleblower can report concerns to the TMO Manager or the Chair of the TMO. The prospective Whistleblower can ask for a confidential meeting which will be respected.

- 5.2.2. If the policy and procedures are working properly, there will be no need to contact one of the organisation's board members, or some external agency, to express concerns. But there may be exceptional or urgent circumstances where it would be best to contact an external agency. It is not possible to give precise examples but, for instance, relevant situations might be:

- If the problem involved a very senior member of the organisation, the Chair or another board member, Southwark council should be contacted
- In the case of a criminal offence, the police
- In the case of abuse of vulnerable people, the local authority social services department
- In the case of abuse of public funds, Southwark council which is responsible for monitoring the TMO
- In the case of any fraud, Southwark council's TMO monitoring team and/or the association's external auditors

It is hoped that none of these will ever prove necessary.

- 5.3 The charity, Public Concern at Work can also be contacted for confidential and independent advice by the any of the following methods:

The postal address is: Lincoln's Inn House, 42 Kingsway, London WC2B 6EX

Telephone number is: 020 7404 6609

E-mail address is: [eo@pcaw.co.uk](mailto:eo@pcaw.co.uk)

- 5.4. Staff in the TMO team at Southwark council are also able to advise on a confidential basis if the prospective Whistleblower is unsure whom to contact about a particular problem. As the landlord, they may need to follow up on any potential problems identified.

## **6. Management's response**

- 6.1. If a concern is reported, it will be examined carefully and thoroughly. The matter will be dealt with fairly for all those persons involved. If a person is potentially being accused of misconduct, their side of the story has to be considered as well. In any investigation, any expressed concerns about the personal safety or career of the

person/s reporting the problem will be respected.

- 6.2. As much information as possible on the outcomes of the investigation will be given to the Whistleblower, subject to the constraints of the TMO's duty of confidentiality to service users and providers, staff or Board members or any other legal constraint. The objective of the various responses would be to ensure that the matter has been addressed.
- 6.3. The action that will be taken by the TMO will depend on the nature of the concern. The matter raised may be investigated by management or by internal enquiry, as appropriate to the nature of the allegation. Relevant matters may also be subject to investigation by the police.
- 6.4. Concerns or allegations raised which fall within the scope of established procedure will be referred for consideration under those procedures.
- 6.5. A referral of a concern will be acknowledged within 7 days by management, with an indication of how they propose to deal with the matter and likely timescale. If it is not possible to complete the initial enquiries within the seven days, a letter of acknowledgement will explain this. If a decision is made not to investigate, the reasons will be given.
- 6.6. The level of contact between the Whistleblower and whoever is considering the issues will depend on the nature of the matters raised, the potential difficulties involved as well as the clarity of the information provided. Further information may be sought from the Whistleblower. It may seriously impede the investigation process and ability to protect the Whistleblower if information is put forward anonymously.
- 6.7. If the Whistleblower has abused the confidential reporting process, for instance by maliciously raising unfounded allegations, this will be treated as a disciplinary matter, but no one who comes forward in good faith has anything to fear.

## **7. Monitoring the Policy**

- 7.1. Confidential records will be kept of all matters raised through the Whistleblowing Policy and the appropriate TMO committee will receive reports with an assessment of the effectiveness of the policy and any emerging patterns.