

Whistle Blowing Policy

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Policy

1. Introduction

1.1 At Lancashire Mind, we want to make sure that we are providing excellent service to the people of Lancashire. Our staff, trustees, volunteers and contractors have an important role to play in achieving this goal and we expect everyone be committed to our high standards of service which are based on the principles of honesty, openness and accountability.

1.2 Lancashire Mind knows that there is risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

Examples of concerns:

- Conduct which is a criminal offence or a breach of law
- Health and safety risks, including risks to the public as well as other employees
- Failure to follow Lancashire Mind's policies and procedures
- The unauthorised use of funds
- Possible fraud and corruption
- Any abuse of clients
- Services that fall below approved standards or practice
- Damage to the environment (e.g. land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.)
- Acts of discrimination
- Other unethical or unlawful conduct.

1.3 A Whistle-blower is a term used for a person who works in or for an organisation, or is affiliated with an organisation e.g. a trustee, non-executive director, volunteer or someone belonging to a partner organisation, and raises an honest and reasonable concern about a possible fraud, crime, danger, safeguarding concern or other serious risk that could threaten colleagues, people who use our services, or the financial stability and reputation of the organisation.

1.4 Lancashire Mind wants employees, volunteers and people who use services to feel that it is safe and acceptable to raise concerns so that they can investigate and take action as soon as possible. The organisation recognises that employees may be worried about reporting for a number of reasons, including:

- Fear of reprisal or victimisation (e.g. loss of job)
- Fear of damage to reputation, career progression etc
- Feelings of disloyalty from colleagues
- Worries about the motives from those involved
- Fear of repercussions if there is no evidence or you are proved wrong

1.5 Lancashire Mind welcomes all genuine concerns and will treat them seriously and where possible, confidentially. There are times when we cannot guarantee anonymity, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.

1.6 Lancashire Mind will not tolerate any harassment or victimisation and will act to protect those who have raised concerns

1.7 UK law under the Public Interest Disclosure Act 1998 (PIDA – amended by the Enterprise and Regulatory Reform Act 2013), protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

1.8 This policy does not replace our existing employment policies: grievance, disciplinary and bullying and harassment. You should use these policies if you have a personal grievance or are unhappy with the way you are being treated at work.

Our Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance or complaint once you have exhausted the relevant employment procedures.

2.Scope

2.1 This policy applies to everyone who works for us whether full-time, part-time, trustee, volunteer, self-employed or employed through an agency.

2.2 People who want to raise a concern about something that is happening at work should use this policy and procedure.

2.3 People who wish to make a complaint about their employment or how they have been treated at work should use the grievance policy or bullying and harassment policy.

3.Objectives

3.1 To provide an avenue for people to raise concerns and receive feedback (where appropriate) on any action taken.

3.2 To reassure people that they will be protected from reprisals or victimisation for 'whistleblowing' in good faith.

3.3 To allow anyone to take matters further if they are dissatisfied with the response they receive from the organisation and Board.

3.4 To ensure that all matters raised are handled fairly and properly.

4. Principles

4.1 A quick reference guide to whistleblowing will be displayed in the Lancashire Mind office. See also Appendix A for procedural guidelines

4.2 Staff who raise a genuine concern under this policy will not be at risk of losing their job or suffering any detriment (such as a reprisal or victimisation).

4.3 People raising a concern can do so based on suspicion; they will not be asked to prove it is happening although if this can be provided the organisation asks for this to be submitted at the time of notifying the organisation of the concern.

4.4 If the person raising the concern is mistaken or there is an innocent explanation for what is happening, this will have no detrimental impact on the person who raised the concern.

4.5 People raising a concern are expected to do so in good faith; if Lancashire Mind finds that an employee has maliciously made a false allegation, they will be forced to take action and the employee will not be eligible for protection under PIDA.

4.6 If a person does not want to raise a concern openly, they can ask to speak to someone in confidence.

4.7 It may not always be possible to resolve a concern without revealing the individual's identity, in these cases a discussion will be held with the individual about how the matter can best proceed.

4.8 Concerns can be raised anonymously but staff are encouraged not to do so because it would not be possible to protect their position and it may make the matter more difficult to investigate.

4.9 Staff can seek independent advice at any stage by contacting Protect, <https://protect-advice.org.uk/>

4.10 Staff are encouraged to raise the concern with their line manager in the first instance; this can be done verbally or in writing.

4.11 If a staff member feels unable to raise the concern with their line manager, the matter can be raised with the Head of Operations.

4.12 If the person raising the concern has a personal interest in the concern, this should be disclosed at the outset.

4.13 The manager with whom the concern is raised will assess the concern and consider what action is required and will write to the person raising the concern to summarise the concern and set out how it will be handled.

4.14 Where possible, the person who raised the concern will be given feedback on the outcome of any investigation.

4.15 It may not always be possible to give precise details of the actions taken, where there is a duty of confidence owed to another person.

4.16 If the staff member has raised the concern with their line manager or the Head of Operations and is not satisfied with the way their concern has been handled or they still have concerns, this should be raised with the CEO.

4.17 If the concern directly relates to the practice of the Head of Operations, this can be reported directly to the CEO

4.18 If the concern directly relates to the practice of the CEO, this can be reported directly to the Board via the Board Safeguarding Lead, who's contact email is available in the quick reference guide to whistleblowing in the office and in appendix one of this document

4.19 All matters of concern that are made through the Whistleblowing Policy will be reported to Board.

5.Responsibilities

5.1 It is the responsibility of:

5.1.1 Lancashire Mind

- a) To ensure the whistleblowing policy and procedures are readily available to all employees.
- b) To review and monitor the effectiveness of the policy.
- c) To ensure legal obligations are complied with.

5.1.2 Managers

- a) To implement the whistleblowing policy.
- b) To support staff to understand the policy and know how to follow the procedures.
- c) To comply with the whistleblowing policy.
- d) To foster a climate of openness and dialogue that encourages staff to feel able to raise concerns.
- e) To apply to policy fairly and properly.

5.1.3 Staff and Volunteers

- a) To be aware of the whistleblowing policy.
- b) To understand how to raise a concern.
- c) To raise any concerns sensibly and responsibly.
- d) To raise concerns by following the whistleblowing procedures.
- e) To cooperate in any investigation that results from a concern being raised.

For related policies and procedures, look in the Policies folder on Lancashire Mind's team site in Office 365.

Appendix A

Lancashire Mind Whistleblowing Policy & Procedural Guidelines

Procedural Guidelines

1. Our Commitment to You

1.1 Your Safety

The Board, the Chief Executive and the managers are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as a reprisal or victimisation). Provided you are acting in good faith (effectively this means honestly), it does not matter if you are mistaken or if there is an innocent explanation for your concerns. So please do not think we will ask you to prove it. We do not extend this assurance to someone who maliciously raises a matter they know is untrue.

1.2 Your Confidentiality

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed. Please remember that if you do not tell us who you are it will be much more difficult for us to investigate the matter. We will not be able to protect your position or to give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

2. How to Raise a Concern

2.1 Please remember that you do not need to have firm evidence before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

2.2 Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager. This may be done verbally or in writing.

2.3 Step Two

If you feel unable to raise the matter with your line manager or Team Leader, for whatever reason, please raise the matter with the Head of Operations.

2.4 If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

2.5 Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the Chief Executive Officer (CEO). If you have a legitimate reason for not involving the CEO, concerns can also be reported directly to the Board Safeguarding Lead, currently Alison Moore available via email at:

alisonmoore@lancashiremind.org.uk

3. How we will handle the matter

3.1 Once you have told us of your concern, we will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation.

3.2 We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you.

3.3 We will write to you summarising your concern and setting out how we propose to handle it and provide a timeframe for feedback.

3.4 If we have misunderstood the concern or there is any information missing, please let us know.

3.5 When you raise the concern it will be helpful to know how you think the matter might best be resolved.

3.6 If you have any personal interest in the matter, we do ask that you tell us at the outset.

3.7 If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

3.8 Whenever possible, we will give you feedback on the outcome of any investigation.

3.9 We may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

3.10 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

4. Independent advice

4.1 If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact your trade union or the independent whistleblowing charity Protect -formerly Protect, <https://protect-advice.org.uk/>.

Their lawyers can talk you through your options and help you raise a concern about malpractice or wrongdoing at work.

5. External contacts

5.1 While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances when you might report a concern to an outside body.

5.2 Lancashire Mind follows the safeguarding children and safeguarding adults guidelines set out by Lancashire County Council. The contact details for reporting any incidents or concerns by members of the public, staff and partner agencies for children are as follows: Call **0300 123 6720** or out of hours 0300 123 6722. For adults you can report this online <https://www.lancashire.gov.uk/health-and-social-care/adult-social-care/report-a-concern-about-an-adult/> . Website: <https://www.lancashire.gov.uk/health-and-social-care/safeguarding/>

5.3 Lancashire Mind is regulated by the Charity Commission. Concerns about charity can be raised online at <https://forms.charitycommission.gov.uk/raising-concerns/6>.

The Public Interest Disclosure Act 1998

6.1 The Public Interest Disclosure Act 1998 protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing

Key staff contacts in relation to this policy

CEO, Tommy McIlvarey tommymcilravey@lancashiremind.org.uk

Head of Operations, Rachel Whippy rachelwhippy@lancashiremind.org.uk

Board Safeguarding Lead, Alison Moore, alisonmoore@lancashiremind.org.uk

For details of related policies, visit the Lancashire Mind site on Sharepoint