

WHISTLEBLOWING POLICY AND PROCEDURE

This policy supports a culture of openness, honesty, and trust where all those involved with providing services know how to raise concerns and feel confident that legitimate concerns will be dealt with promptly and appropriately. 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.

Employees are often the first to realise that there may be something seriously wrong within the Company. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Company. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.

The Company is committed to the highest possible standards; staff expectations and behaviours are included within the Staff Handbook. In line with that commitment, the Company encourages employees and others with serious concerns about any aspect of the Company's work to come forward and voice those concerns in accordance with this policy. This process is commonly referred to as "Whistleblowing" and this policy gives detailed advice. There is also statutory protection from any disclosures made by staff, which comply with the Public Interest Disclosure Act 1998.

It is recognised that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can make reports without fear of reprisals. This policy is intended to encourage and enable staff to raise serious concerns within the Company rather than overlooking problems or raising them outside the Company. The Company would rather the matter be raised when it is just a concern rather than wait for proof. The message the Company wishes to get across to employees is **"if in doubt - raise it"**.

Purpose and Scope

This Policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken
- Allow employees to take the matter further if they are dissatisfied with the Company's response to the concerns expressed
- Reassure employees that they will be protected from possible reprisals or victimisation

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Policy is intended to cover concerns that fall outside the scope of the Grievance Procedure. Thus, any serious concern that a member of staff has about any aspect of service provision, or the conduct of employees, or Members of the Board, or others acting on behalf of the Company, can and should be reported under this Policy.

This concern may be about something that is:

- Unlawful
- Against the Company's Financial Procedure Rules and policies
- Against established standards of practice
- Improper conduct

- Amounts to malpractice
- Posing a danger to the health of individuals
- Likely to cause damage to the environment

Who can Raise a Concern under this policy?

The policy applies to all employees, appointed Board members, agency workers, temporary workers, students and volunteers working for the South West Audit Partnership and contractors working for the Company where the contractor has agreed to adopt the Company's policy. It may also apply to disclosures made by members of the public.

How to Raise a Concern

Concerns should normally be raised with an appropriate level of line management (i.e., the immediate manager). However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

If an employee prefers (for whatever reason), or it is believed that senior management is involved in the matter of concern, or if they have raised the matter with their manager and still have concerns, an approach may be made to any member of the Executive Leadership Team. Irrespective of who is contacted the senior manager (or member of the Executive Leadership Team) must also inform the Company Secretary unless the Company Secretary is the subject of the concern in which case they should inform the Chair of the Board of Directors.

Concerns may be raised orally or in writing. Employees who wish to make a written report are invited to use the following format.

- The background and history of the concern (giving relevant dates)
- The reason why the employee is particularly concerned about the situation.

N.B. if an employee has any personal interest in the matter this should be disclosed at the outset.

It should be noted that often the earlier a concern is expressed, the easier it is to take appropriate action; employees should not wait until they have proof.

Although employees are not expected to prove the truth of the concern that is raised, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for concern.

Advice and guidance on how specific matters of concern may be pursued can be obtained internally from the Company Secretary. Alternatively, employees may wish to get confidential advice from their trade union or professional association. They can also contact their local Citizen's Advice Bureau.

Employees may invite their trade union, staff representative or professional association to raise a matter on their behalf.

How the Company Will Respond

The action taken by the Company will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated by senior management or through the disciplinary process

- be referred to the Police
- form the subject of an independent inquiry

In order to protect the individual and the Company, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take (see Investigation Arrangements below).

Concerns or allegations, which, fall within the scope of specific procedures (for example fraud, theft, and corruption) will normally be referred for consideration under those procedures.

It should be noted that some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this would be taken before any investigation is completed.

Within ten working days of a concern being raised, the Investigator will write to the person raising the concern (i.e., initially the individual or representative with whom the report was lodged as set out below):

- Acknowledging that the concern has been received
- Indicating how he/she proposes to deal with the matter; and
- Giving an estimate of how long it will take to provide a final response

If it is impossible for initial inquiries to be completed within ten working days, the situation will be explained in the letter of acknowledgement. Where a decision is made that no investigation will take place, the reasons for this will be provided.

The amount of contact between the investigator considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

Where any meeting is arranged, employees have the right, if they so wish, to be accompanied by a union member, a staff representative or professional association representative, or a colleague who is not involved in the area of work to which the concern relates.

The Company will take appropriate steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the Company will need to inform them and consider what steps are required to provide support.

The Company accepts that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

Support for Employee

If an employee's reporting line or team has to be relocated as a consequence of assisting the Company in applying this policy, then he/she will not suffer financially. Their salary will be protected and any additional expenses (e.g., travelling) will be paid by the Company. The Company Secretary will assist the employee to ensure that they are given full support in adjusting to changed working circumstances.

How the Matter Can Be Taken Further

This Policy is intended to provide employees with an avenue to raise concerns within the Company. However, if an employee is dissatisfied with the Company's response or in any event, the matter can be raised with the External Auditor, Health and Safety Executive, Environment Agency or other relevant regulator as appropriate.

Employees can also contact these bodies without first exhausting the internal procedures, where they have an honest and reasonable suspicion that a malpractice to which this Policy relates has occurred, is occurring or is likely to occur, and honestly and reasonably believes that the information and any allegation contained in it are substantially true. However, the Company hopes that this policy and procedures give to employees the reassurance to raise matters internally in the first instance.

In taking a matter of concern outside the Company, employees should ensure that, so far as possible, it is raised without confidential information being divulged.

Safeguards

Harassment or Victimisation

The Company recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice, or from the Company as a whole. The Company will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in order to protect a person who raises a concern in good faith even if they were mistaken. In addition, employees have statutory protection against reprisals under the Public Interest Disclosure Act 1998 and can refer their case to an Industrial Tribunal.

Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. As far as possible, the Company will protect the identity of any employee who raises a concern and does not want their name to be disclosed, but this confidentiality cannot be guaranteed. It must be appreciated that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence. Where an employee has requested that their identity not be revealed, the Company will discuss the matter with them before embarking on any course of action whereby their identity will need to be disclosed. The Company may of course be required by law to disclose your identity (for example, by the police or if it is required to be disclosed for the purposes of subsequent disciplinary action)

Anonymity

Concerns expressed anonymously will be considered at the discretion of the Company although it must be appreciated that it is inherently difficult to investigate concerns expressed this way. It is hoped that the guarantees contained in this policy will provide sufficient reassurance to staff to enable them to raise concerns in person. However, in exercising the discretion, the factors to be considered would include:

- The likelihood of obtaining the necessary information
- The seriousness of the issues raised

- The specific nature of the complaint
- The duty to Company's Partners and the public

False and Malicious Allegations

The Company will protect itself and its employees from false and malicious expressions of concern by taking disciplinary action where appropriate. In addition, a concern, which, is genuinely believed may prove to be unfounded on investigation. The Company will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.

How the Policy will be Monitored

The Company has a responsibility for registering the nature of all concerns raised and to record the outcome. The Executive Leadership Team will produce an annual report, which identifies any patterns of concern and assesses the effectiveness of the Policy.

Responsibility for Implementing

The responsibility for ensuring that the Company adheres to this Policy rests with the Senior Leadership.

Review

This Policy will be regularly reviewed in line with future changes and developments and at least every two years.

Investigation Arrangements

All concerns raised should also be passed to the Company Secretary, and the Chief Executive irrespective of who was contacted in the first instance.

The Company Secretary will advise on the legal implications and will:

- a) Arrange support and counselling for the employee who reported the concern
- b) Advise on any necessary disciplinary action.
- c) Liaise with the Assistant Director Counter Fraud and Investigations in the event support is required from the Counter Fraud and Investigation Team.

The investigation will adopt the following good practice points: -

- Deal promptly with the allegation or concern
- Contact the Police and other agencies as appropriate at an early stage and keep them and the employee who reported the concern informed of progress
- Prepare a background or objectives statement; consider the likely outcome, i.e., prosecution and/or internal disciplinary action
- Record all evidence received, ensure that it is sound, adequately supported and kept secure
- Notify the Company's insurers where appropriate
- Notify and liaise with the Company Secretary

- Identify actions required, systems weaknesses and lessons learnt

Support

If you are unsure whether to use this policy or want independent advice or support at any stage, you may contact the following:

- Your Union ([Unison](#))
- The independent charity Protect (formerly Public Concern at Work) on 020 3117 2520. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.