

Hunts Mind



For better
mental health

Hunts Mind Whistle Blowing Policy

Ratified by the Board of Trustees:

February 2010

To be reviewed February 2012
or as legislation changes

**The Limes
24, New Street
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Cambridgeshire PE19 1AJ**

**Registered Charity number 1084452
Company Limited by guarantee 3949645**



Whistle Blowing Policy

1. Introduction

1.1 Hunts Mind realises that although it strives to put in place appropriate management systems and safeguards in relation to various aspects of the organisation, such as financial management and service delivery, there might be occasions when things go wrong.

With this in mind Hunts Mind acknowledges that staff can act as an early warning system when the interests of the public could be put at risk. Matters of fraud or mismanagement are of grave concern to the Board of Trustees and this Policy is a tool to enable issues to arise without prejudice. Using legislation and good practice guidance Hunts Mind has developed this policy to ensure the safeguard of the organisation and individuals within it.

Under the *Public Interest Disclosure Act 1998*, workers have specific rights to make disclosures about alleged wrongdoings without suffering detriment in their employment or being unfairly dismissed for making such disclosures. This Policy is based on the principles outlined in the Act.

This Policy may also be used should an external body want to make an anonymous report to Hunts Mind. Where possible the person receiving the report must encourage the individual / external body to put in a formal complaint in order for it to be as transparent as possible. However where this is not possible the matter will be immediately referred to the CEO (see section 3 regarding the procedure for reporting concerns).

1.2 Hunts Mind appreciates that when staff are confronted by issues of major concern they may feel unable to act for fear of reprisals, management failure to act or blame. However Hunts Mind has already made a commitment to developing a culture of enquiry and part of that is about creating trust and openness within staff and management forums.

1.3 It is assumed that individuals whistle blowing are doing so because of a real concern and are not in any way malicious or trouble making. Therefore whistle blowers will not be punished for making an accusation that fails to stand the test of investigation. However if the principles outlined in 3.3 are seriously compromised by the whistle blower Hunts Mind reserves the right to investigate the cause of the initial concern which prompted the initial report.

2. What Constitutes Whistle Blowing



Only some disclosures are covered by the protection of the Act. A qualifying disclosure is one which, in the reasonable belief of the worker, shows:

- That a criminal offence is being committed, has been committed or is likely to be committed or
- That a person has failed or is failing or is likely to fail to comply with any legal obligation to which he or she is subject or
- That a miscarriage of justice has occurred, is occurring or likely to occur or
- That the health and/or safety of an individual has been or is being or is likely to be in endangered or
- That the environment has been, is being or is likely to be damaged or
- That information concerning any of the above has been, is being or is likely to be deliberately concealed.

3. What should an individual do if they are confronted with the issues identified in point 2?

3.1 It is hoped that all issues of concern can be resolved through open discussion and dialogue. Where this has failed the individual must consider which policy their concern relates to. They must ask the following questions:

- Is this issue a personal grievance? If yes then they must refer to Hunts Mind Grievance Policy and Procedure.

For example – there is conflict within the team based on a clash of personalities.

- Is this a matter for consideration under gross misconduct which must be assessed by a line manager? If so refer to Hunts Mind Disciplinary Policy and Procedure.

For example – has a member of staff been observed stealing?

- Is this a matter of failure to undertake necessary tasks as directed by a line manager? If so refer to Hunts Mind Capabilities Policy and Procedure

For example – has a staff member continually failed to undertake regular tasks after the support of colleagues and management?



- Is this matter very serious but I am concerned about the repercussions should I say anything. I want to be kept anonymous. If so the Whistle Blowing Policy is the best route.

3.2 For the worker to be protected within the remit of the Interest Disclosure Act 1998 they must make the disclosure in accordance with the following principles. The procedure for making the report is outlined in Appendix 1.

Also, for a worker/external body to be protected under the Act, they must make the disclosure to:

- The worker's employer or
- A legal adviser or
- A Minister of the Crown where the worker's employer is appointed under such a minister or
- A person prescribed by the Secretary of State or
- Other persons if the worker makes the disclosure in good faith reasonably believing the information to be substantially true and not making the disclosure for personal gain.

3.3 In the case of a disclosure to "other persons", the worker/external body will have to reasonably believe at the time of making the disclosure that:

- He or she will be subjected to a detriment by the employer if the disclosure is made to the employer or a prescribed person, or
- Where there is no prescribed person, evidence relating to the wrongdoing will be concealed or destroyed if disclosure is made to the employer, or
- The worker should previously have made a disclosure of substantially the same information to the employer or to a prescribed person.

These conditions may be disregarded in the case of protected disclosures relating to 'exceptionally serious failures' by the employer. For instance a case which is immediately referred for criminal investigation will take precedence over any internal investigation.



4. Safeguards

The identity of the person raising the concern will remain confidential. If disclosure is required for any reason this will be discussed with the individual concerned.

Hunts Mind will not tolerate the victimisation (including informal pressures) of any person who has raised a concern. Hunts Mind Disciplinary Policy **will** be used against any employee who is found to be harassing or victimising the person raising the concern. Any breach of confidentiality will also be taken very seriously and again Disciplinary procedures **will** be evoked.

5. Implementation, Monitoring and Review

5.1 The CEO will take full responsibility for the implementation of this policy.

5.2 This policy will be given to staff for their staff handbooks and will be made available to the public.

5.3 The CEO will provide an annual report as part of the Organisational Risk Management Process. In turn this report will form part of the strategic review.

5.4 This Policy shall be reviewed on a two yearly basis.

5.5 Any significant issues shall be monitored by the Employment and Organisational Risk Sub Committee.

Appendix 1 – Procedure Guidance Notes for Making a Disclosure

1. Internal Reports

- The individual should approach their line manager. Where this is not possible because of the nature of the concern the individual must disclose to another senior member of staff.
- The manager must take a statement of the concerns and consider it with their line manager (in most instances this will be the CEO) who will design an action plan accordingly which will include how an investigation will take place.
- The person reporting the concern shall be kept informed of the agreed action plan and reassured that their identity will be protected where possible.



- Once an investigation has been completed the manager will recommend a course of action which they will discuss and confirm with their line manager.
- Action will be taken in line with other policies and procedures such as Disciplinary Action or Capabilities Assessments.
- The person reporting the concern will be informed of the outcome. If they are not satisfied that their concern has been addressed they can discuss the matter informally with the CEO.
- The CEO will discuss with the Chair whether the concern should be re-investigated. If so once the outcome has been decided the decision is final.

Note:

- Where the CEO is the cause of concern matters must be taken directly to the Chair.
- If the CEO has not been involved during the initial investigation she/he should be kept informed of the progress. This is because Hunts Mind will deal with all issues within the line management structure. However the CEO has a duty to report all concerns to the Board of Trustees, keeping the individual/s concerned anonymous, where appropriate.

2. External Reports

- Individuals and external bodies will be encouraged to follow the formal complaints procedure but where this is not possible, then by agreement the matter will be immediately referred to the CEO for consideration.
- The CEO will design and conduct an investigation keeping the Chair informed at all times.
- If the outcome warrants action the CEO will evoke relevant policy and procedure such as Disciplinary or Capability.
- The person or agency making the report will be informed at each stage and of the outcome. If they are unsatisfied they may go directly to the Chair who in conjunction with the EORSC will decide whether to conduct another investigation.
- The decision of the Chair and EORSC will be final.

3. External Investigation

Once the individual/outside agency has applied the criteria laid out in 3.3 of the policy they may decide to approach an outside body. It is likely that external agencies will be contacted in the following circumstances:

- Where the individual/external body fits the criteria laid out in 3.3.
- Where the procedures laid out in points 1&2 above have been entirely unsatisfactory.

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- Where the CEO feels the Board of Trustees are unable, unwilling or incapable of taking the concerns seriously.

This is not an exhaustive list.

External bodies who may be contacted if this policy has failed to resolve the matter include:

- Cambridgeshire County Council
- Fens Leap Leader Plus
- Department of Health – National Mind
- National Mind
- Cambridgeshire and Peterborough Partnership Mental Health Trust
- Hunts User Forum
- Cambridgeshire Primary Care Trust

They will have their own systems for contacting Hunts Mind. Where this is the case Hunts Mind will deal with all concerns promptly and seriously.

Ratified by the Board of Trustees in February 2010

**Signed by Sharon Cox:
Chair**

Date of Review: February 2012