

## Healthwatch Kingston Whistleblowing Policy and Procedure

### 1. Scope

This policy applies to

Employees	X
Contractors	X
Volunteers	X
Partners	X
Suppliers	X
Consultants	X

Unless otherwise stated, this policy and procedure is non-contractual, does not form part of any contract of employment, and may be adapted or amended at any time by the Board of Trustees.

### 2. Policy Statement

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of Healthwatch Kingston is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in Healthwatch Kingston or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### 3. Definitions

[The Public Interest Disclosure Act 1998](#) amended the [Employment Rights Act 1996](#) to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation
- Concealment of any of the above.

It is not necessary for an employee to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. Employees have no responsibility for investigating the matter – it is Healthwatch Kingston's responsibility to ensure that an investigation takes place.

If an individual makes a protected disclosure they have the right not to be dismissed, subjected to any other detriment or victimised because they have made a disclosure. We encourage individuals to raise any concerns under this procedure in the first instance.

#### 4. External Standards

[The Public Interest Disclosure Act 1998](#), which amended the [Employment Rights Act 1996](#).

#### 5. Procedures

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of Healthwatch Kingston should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

No employee or other person working on behalf of Healthwatch Kingston will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.

Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence. If misconduct is discovered as a result of any investigation under this procedure, Healthwatch Kingston's **Disciplinary Procedures** will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, an individual should not agree to remain silent. The individual should report the matter to the Chief Executive Officer or the Chair of the Board of Trustees.

Note: this procedure is for disclosures about matters other than a breach of an individual's own contract of employment, which should be raised via the Healthwatch Kingston **Grievance Procedures**.

##### Stage 1

In the first instance, any concerns should be raised with the Chief Executive Officer, who will arrange an investigation of the matter. The investigation may involve the employee and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account and they will be asked to comment on any additional evidence obtained. The Chief Executive Officer will take any necessary action, including reporting the matter to the Chair of the Board of Trustees and any appropriate government department or regulatory agency. The Chief Executive Officer will also invoke any disciplinary action required. On conclusion of

any investigation, they will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

## **Stage 2**

If the employee is concerned that the Chief Executive Officer is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Board of Trustees. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

## **Stage 3**

If on conclusion of stages 1 and 2 the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the relevant body. This includes:

- HM Revenue and Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

The full list, and contact details, can be found in [The Public Interest Disclosure \(Prescribed Persons\) Order 2014](#).

## **6. Supporting Documents**

[NCVO Example Whistleblowing Policy](#)

[Gov.uk Whistleblowing for Employees](#)