

## **WHISTLE-BLOWING POLICY AND PROCEDURE**

### **1. POLICY STATEMENT**

Autism Hampshire believes it is essential that all employees are encouraged and feel enabled to raise serious concerns at an early stage and in the right way.

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

Autism Hampshire is committed to the highest possible standards of openness, probity, and accountability. Autism Hampshire also considers that its service users have a right to expect that Autism Hampshire ensures that any concerns regarding their welfare and/or financial interests are investigated and dealt with swiftly and appropriately. In line with that commitment and expectation, it encourages employees with serious concerns about criminal or other malpractice to come forward and voice those concerns. Anyone who does so in accordance with this policy will be protected from victimisation or any consequential detriment at work.

Autism Hampshire recognises that employees may wish to raise a concern in confidence. If an employee requests Autism Hampshire to protect their identity, Autism Hampshire will endeavour to do so and it will not disclose such identity without prior consent, however this is subject to Autism Hampshire being required to disclose such information by law, e.g. if criminal proceedings follow.

### **2. AIMS AND SCOPE OF THIS POLICY**

This policy aims to:

- provide avenues for employees to raise concerns and receive feedback on any action taken
- explain when employees can take the matter further; and
- reassure employees that they will be protected from reprisals or victimisation for whistle blowing in good faith.

There is an existing Grievance Policy and Procedure in place to enable employees to lodge a grievance relating to their own employment.

The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures. The following should be reported if, in the reasonable belief of an employee, it relates to one or more of the following which has occurred, is occurring or is likely to occur (whether involving a fellow employee, or otherwise):

- a criminal offence, including fraud bribery or corruption
- a failure to comply with a significant legal obligation
- a miscarriage of justice
- the endangering of an individual's or the community's health or safety and/or damage to the environment
- the unauthorised use of public funds
- sexual or physical abuse of service users of Autism Hampshire
- bullying, intimidation or harassment
- breaches of any of Autism Hampshire's Codes of Practice
- concealment of information relating to any of the above

The above is not an exhaustive list. Remember: ***"If in doubt, raise it"***

Whilst employees should normally follow this policy, it will still be appropriate for them to take a matter direct to the appropriate enforcement agency, e.g. Police or Health and Safety Executive, for example where a

serious criminal offence is involved or they believe that there is a risk to life or other serious consequences.

### **3. REFERENCE**

- Bribery Act 2010
- Internal Policies Anti Bribery, Equality & Diversity, Anti Harassment & Bullying & Gifts in Kind and in association with current legislation and Codes of Practice

### **4. DECLARATION**

- Autism Hampshire will have regard for all current and relevant legislation and codes of practice.
- Autism Hampshire's policies and procedures apply to all employees.
- Any action taken under this procedure will be recorded and placed in Autism Hampshire's records.

### **5. POLICIES TO BE READ IN CONJUNCTION WITH THIS POLICY AND PROCEDURE**

- Anti-Bribery
- Disciplinary
- Grievance
- Equality and Diversity
- Anti Harassment and Bullying

### **6. THE RESPONSIBLE OFFICER**

The Chief Executive Officer has overall responsibility for the maintenance and operation of this policy. The Chief Executive Officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Board of Trustees.

### **7. SAFEGUARDS**

#### **Harassment or Victimisation**

Autism Hampshire recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Autism Hampshire will not tolerate harassment or victimisation, whether by a fellow employee or other, and will regard it as gross misconduct if it is found to occur against an employee who raises a concern under this policy in good faith. Autism Hampshire will investigate such matters and deal with it under Autism Hampshire Disciplinary procedure as appropriate.

This does not mean that if employees are already the subject of disciplinary procedures, that those procedures will be halted as a result of their whistle blowing.

#### **Confidentiality**

Autism Hampshire will do its best to protect employee identity when they raise a concern and do not want their names to be disclosed. A breach of this confidentiality without good cause will be regarded as gross misconduct. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court) we will discuss with you how best to proceed.

#### **Anonymous Concerns**

This Policy encourages employees to put their name to their concern. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of Autism Hampshire.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the concern from attributable sources.

#### **Support**

Autism Hampshire will as far as it is able support the complainant through any difficulties that may arise as a result of the complaint.

#### **Malicious or vexatious complaints**

If an employee raises a concern in good faith, but it is not confirmed by the investigation, no action will be taken against them. Autism Hampshire recognises that learners/service users and employees must be

reasonably protected from false allegations made against them. Malicious or vexatious complaints could therefore lead to disciplinary action and could, in some circumstance, be regarded as gross misconduct. The anonymity of a person making a malicious or vexatious complaint will not necessarily be protected.

### **Disclosure of third party information**

Employees who have made a complaint or who raise matters publicly should try not to disclose confidential information relating to third parties.

### **Press and Media**

Complaints should not be made through the Press and/or media & internet sites. This could not only prejudice an investigation and any subsequent disciplinary action but could run the risk of libel proceedings against the employee if the concerns were to prove unfounded.

## **PROCEDURE**

### **8. HOW TO RAISE A CONCERN**

As a first step, an employee should normally raise concerns with their immediate line manager or next level of line management. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if an employee believes that a manager is involved employees should approach any one of the following:

- Chief Executive Officer
- Head of Human Resources/Human Resources Staff
- Any Heads of Service
- Any Senior Manager
- Line Manager

Concerns are best raised in writing but may be given orally. Employees are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If they do not feel able to put their concern in writing, they can telephone or meet the appropriate person they have raised the concern with.

The earlier the employee expresses the concern, the easier it is to take action.

Advice and guidance on how matters of concern may be pursued can be obtained from the Chief Executive Officer, Head of Human Resources, Line Manager.

Employees may invite their trade union or professional association to raise a matter on their behalf. If an employee is unsure whether, or how to use this procedure, or wants independent advice, they may contact the independent charity *Public Concern at Work* (Tel No: 020 7404 6609 Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)). Their lawyers can give employee free confidential advice at any stage on how to raise a concern about serious malpractice at work.

### **9. HOW AUTISM HAMPSHIRE WILL RESPOND**

The action taken by Autism Hampshire will depend on the nature of the concern. The matters raised may:

- be investigated internally in accordance with the Disciplinary Policy and/or
- be referred to the Police and/or
- be referred to an external auditor and/or
- be referred to a relevant external body (see section 10. Below) and/or
- form the subject of an independent inquiry

In order to protect individuals and Autism Hampshire, initial enquiries will be made. Within ten working days or as near as reasonable, a decision will be made as to whether an investigation is appropriate and, if so, what form it should take. The employee will be informed of the reasons for any delay. Concerns or allegations that fall within the scope of specific procedures (for example disciplinary, safeguarding, anti-bribery anti-harassment or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation, as appropriate.

If requested, Autism Hampshire will write to the employee, as soon as possible after the concern is raised:

- acknowledging the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- reporting whether any initial enquiries have been made, and
- reporting whether further investigations will take place, and if not, why not.

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

Autism Hampshire accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to appropriate constraints, employees will receive information about the outcome of any investigations.

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

Autism Hampshire will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, Autism Hampshire will advise them about the procedure.

If a member of employee is not satisfied that the matter is being properly investigated, he/she may refer it through the Grievance Procedure.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

While we hope this policy gives employees the reassurance and confidence to enable them to raise concerns internally, Autism Hampshire would rather they raised the matter with the appropriate regulator than not at all. Provided they are acting in good faith and they have evidence to back up their concern, they can contact:

### Hampshire County Council:

<https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/safeguarding>  
T. 0300 555 1386

### Southampton City Council

<https://www.southampton.gov.uk/health-social-care/adults/help-for-vulnerable-adults/>  
Email: [adultsocialcareconnect@southampton.gov.uk](mailto:adultsocialcareconnect@southampton.gov.uk)  
Telephone: 023 8083 3003  
Address: Adult social care, Southampton City Council Civic Centre, Southampton, SO14 7LY

### Portsmouth City Council

<https://www.portsmouth.gov.uk/ext/health-and-care/adult-social-care/safeguarding-adults-at-risk>  
T. 023 9268 0810  
E. [PortsmouthAdultMASH@portsmouthcc.gov.uk](mailto:PortsmouthAdultMASH@portsmouthcc.gov.uk).

### Environment Agency

<https://www.gov.uk/government/organisations/environment-agency>  
E. [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
T. 03708 506 506

### Health & Safety Executive

T. 0345 300 9923  
[www.hse.gov.uk](http://www.hse.gov.uk)

### National Audit Office

<https://www.nao.org.uk/>  
T. 020 7798 7264

### Charity Commission

**REVIEW OF POLICY AND PROCEDURE**

All of Autism Hampshire’s policies and procedures aim to ensure that employees are aware of, and confident that, the employer is complying with current legislation and is protecting the interests of both the needs of the business and the employee. In this respect, it may be appropriate to modify existing policies and/or procedures from time to time to reflect changes as appropriate, and this policy will be reviewed as necessary by the Senior Management Team and/or by personnel as designated by the Senior Management Team

**EQUALITY IMPACT ASSESSMENT**

Equality Impact Assessment – initial screening – Relevant Equality Area	Does the Policy or its implementation:			Does Autism Hampshire need to proceed to full EIA if in doubt then progress to full screening)
	Breach Equalities Legislation?	Affect different groups in different ways (both positive and negative)	Promote equality/good relations?	
Gender	No	No	Yes	No
Race	No	No	Yes	No
Disability	No	No	Yes	No
Sexual Orientation	No	No	Yes	No
Religion and Beliefs	No	No	Yes	No