

# North of England Refugee Service

## CONFIDENTIAL REPORTING OF CONCERNS POLICY (WHISTLE BLOWING)

Document Originated: October 2004

Approved:

Last revised: October 2004

Next Revision: 27/10/05

Document Controlled by: QTG

By: Executive Committee

By: Clinton Leeks, Sead Masic

By: Quality Task Group

### 1. Introduction

- 1.1 This Policy reflects NERS' commitment to good practices, to valuing staff and seeking continuous improvement in service delivery.
- 1.2 This Policy applies to all employees of NERS, including temporary, Volunteers and casual workers.
- 1.3 Employees are often the first to realise that there may be something wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to NERS. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than to report what may be just a suspicion of malpractice.
- 1.4 NERS is committed to achieving the highest possible standards of openness and accountability in all of its practices. In line with that commitment, we actively encourage employees (and anyone else) who have concerns about any aspect of the Organisations work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.5 NERS has a range of policies and procedures, which deal with standards of behaviour at work: they cover Discipline, Grievance and Code of Conduct. Employees are encouraged to use the provisions of these procedures when appropriate. However, there may be times when the matter is not about your personal employment position and therefore needs to be handled in a different way. Examples may be:
  - Malpractice, ill treatment or abuse of a customer of NERS services

- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Disregard for legislation, particularly in relation to health and safety at work
- Showing undue favour over a contracted matter or to a job applicant  
(This list is not exhaustive)

1.6 Any serious concerns that you have about any aspect of the service provision or the conduct of employees or others acting on behalf of NERS can be reported under this policy.

1.7 This policy is intended to encourage and enable employees to raise concerns within NERS rather than overlooking a problem or “blowing the whistle” outside.

## 2. **Aims and Scope of this Policy**

2.1 This policy aims to:

- Make you feel confident to raise concerns and to question and act upon concerns about practice.
- Give you avenues to raise your concerns and receive feedback on any action taken.
- Guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied.

2.2 This policy supplements and does not replace NERS complaints procedure, the grievance procedure and other procedures established to deal with aspects of bullying and harassment i.e. sexual, racial harassment, discrimination.

Safeguards:

3.1 NERS is committed to good practice, high standards and valuing its employees.

3.2 NERS recognises that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing a service to the Organisation, you will be doing your duty to your employer and those for whom the organisation provides a service.

3.3 NERS will fulfil its responsibility to ensure that you are NOT harassed, victimised or otherwise disadvantaged when you raise a concern. Any employee who engages in any form of victimisation or harassment against you as a result of raising a concern will be subject to disciplinary action.

3.4 Any allegations brought forward by an employee who is the subject of disciplinary investigations or proceedings, which concern the conduct of those proceedings, can only be raised through the disciplinary appeals procedures.

#### **4. Confidentiality**

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. However, you may need to come forward as a witness. If you were asked to come forward as a witness the organisation would support you. You would also have the right to be supported by a representative of your choice.

#### **5. Anonymous Allegations**

Concerns expressed anonymously are much less powerful but NERS will consider them so far as is possible or practicable. This policy encourages you to put your name to your allegation whenever possible.

#### **6. Untrue Allegations**

If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you

#### **7. Law:**

This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Acts provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work.

## **PROCEDURE FOR CONFIDENTIAL REPORTING OF CONCERNS (WHISTLE BLOWING)**

1. **How to raise a concern:**
  - 1.1 As a first step, you should WHEREVER POSSIBLE raise concerns with your immediate manager or their manager. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
  - 1.2 If you feel unable to raise the concerns with either your direct line manager or their line manager, NERS have nominated and agreed the following designated officers for you to raise concerns under this procedure.  
Designated Persons  
.....one male  
.....one female
  - 1.3 Where concerns are not raised with the line manager, the designated officer will be the point of contact for employees who wish to raise concerns under this procedure.
  - 1.4 The earlier you express your concern the easier it will be to take action.
  - 1.5 Concerns may be raised verbally or in writing. If you make a written report please use the attached pro-forma. Reports should be sent to your line manager (or their manager or designated officer as in 1.2)
  - 1.6 Where concerns are raised with either your line manager, their line manager or designated officer (as in 1.2) he/she will arrange an initial interview, which will, if requested, be confidential, to ascertain the area of concern. At this stage, you will be asked whether you wish your identity to be disclosed and you will be reassured about protection from possible reprisals or victimisation. The line manager (or their line manager or designated officer as in 1.2) will write a brief summary of the interview, which will be agreed and signed by both parties.
  - 1.7 You have the right to be accompanied by a representative of your choice at all meetings or interviews in connection with the concerns you have raised.
  - 1.8 Concerns can also be raised through your UNION representative.

## 2. How NERS will respond:

2.1 NERS will respond to your concern. By responding to your concern it may be necessary to investigate/seek further information about these concerns. This is not the same as either accepting or rejecting them.

2.2 Within 5 working days of a concern being raised, you will be sent a written response:

- Acknowledging that the concern has been received
- Indicating how we propose to deal with this matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any enquiries have been made
- Supplying you with information on staff support mechanisms

2.3 Where appropriate, concerns raised may:

- Be investigated by management, internal audit or through the disciplinary process.
- Be referred to the Police or other relevant agency.

In order to protect individuals and those about whom concerns are raised, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take.

2.4 The amount of contact between the individual considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It may be necessary to seek further information from you.

2.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

2.6 If an investigation is to be carried out, this may need to be in the strictest of confidence i.e. by not informing the subject of the complaint until (or if) it become necessary to do so. For example, this may be appropriate in cases of suspected fraud. However, in certain cases such as allegations of ill treatment of users of our services, suspension from work may have to be considered immediately.

**Protection of customers who receive our services is paramount in all cases.**

2.7 If the result of an investigation is that there is a case to be answered by any employee, the disciplinary procedures will be followed.

2.8 NERS will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary



**North of England Refugee Service  
PROFORMA FOR CONFIDENTIAL REPORTING OF CONCERNS  
(WHISTLE BLOWING)**

The person who is investigating the concern raised must complete this proforma:

| <b>No</b> | <b>Procedure</b>  | <b>Date</b> | <b>Name</b> | <b>Signature</b> |
|-----------|---|-------------|-------------|------------------|
| 1         | Concern Raised  |             |             |                  |
| 2         | Written Report received<br>yes/no                                 |             |             |                  |
| 3         | Copy sent to Personnel<br>(marked Confidential)                   |             |             |                  |
| 4         | Initial Interview   |             |             |                  |
| 5         | Summary written and<br>agreed by both parties                     |             |             |                  |
| 6         | Written response sent<br>within 5 days of concern<br>being raised |             |             |                  |
| 7         | Investigation carried out<br>(if yes by whom)                     |             |             |                  |
| 8         | Action taken (Report<br>written)                                  |             |             |                  |
| 9         | Feedback given to person<br>raising Concern                       |             |             |                  |
| 10        | Further action by person<br>who raised Concern                    |             |             |                  |
| 11        | Feedback to all concerned   |             |             |                  |