



Linc Business – Corporate

Whistleblowing

Policy	Title: Whistleblowing
Policy Number: CS01 01	Date: 23 August 2024

Contents

1. Objectives
2. Main Body of the Policy
3. Equality & Diversity Statement

1. Objectives

The objectives of the Whistleblowing Policy are:

- To enable staff to report serious matters of concern, without fear of victimisation or detriment in accordance with the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998.
- Along with the accompanying procedures, to demonstrate how we will deal with any instances of “whistleblowing.”

This policy applies to all staff.

2. Main Body of the Policy

Whistleblowing is the term commonly used to describe the situation where a member of staff, member of the board or anyone else raises concern about improper conduct, wrongdoing, risk, or malpractice with someone in authority, either internally or externally.

Principles

The following principles underpin this policy:

- Employees are encouraged to raise any concerns they may have about wrongdoing as soon as they notice it.
- Employees raising a concern will be afforded protection as detailed in the procedure.
- All genuine concerns will be handled responsibly, professionally and in a positive manner; and
- Help and support will be available to employees where concerns are raised under the whistleblowing procedure.

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Who is covered by this policy?

This policy applies to all individuals working at all levels of the organisation, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term workers, casual and agency staff, and volunteers (collectively referred to as Staff in this policy).

What are whistle-blowing claims or protected disclosures?

A whistleblowing claim may also be known as a 'protected disclosure' under the Public Interest Disclosure Act 1998 (PIDA).

Certain kinds or the 'right type' of disclosure qualify for protection. Disclosures that are malicious or knowingly untrue are not protected under PIDA. Protected disclosures are disclosures of information which an individual reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

- A criminal offence, including offences such as theft, fraud, or acts of bribery
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment; and
- Deliberate concealment of information tending to show any of the above five matters.

The Public Interest Disclosure Act 1998 states that, only disclosures of information that fall within one or more of these six categories qualify for protection. The belief must be reasonable, but it need not be correct. It might be discovered subsequently that an individual was, in fact, wrong or mistaken in their belief, but they must be able to show that they held the belief and that it was a reasonable belief to hold in the circumstances at the time of disclosure. Note that it is not an individual's responsibility to investigate the matter. That is Linc's responsibility.. Protected disclosures will not include disclosures which can properly be characterised as being of a personal, rather than a wider public interest, for example, a disclosure about a breach of the terms of a contract of employment.

PIDA provides protection to employees, agents and contractors (and in some cases to former employees) and, if a whistle-blower makes a qualifying disclosure in good faith and reasonably believes it to be true, they are afforded protection under the Act.

Whistle-blowers making a protected disclosure have a right not to suffer any detriment from their employers.

Raising a whistleblowing concern

The concern should, in most instances, be raised directly with the Line Manager, and this can be done in person or in writing. There may be certain rare occasions when this would be inappropriate because, for example, the concern:

- May implicate the Line Manager in some way.
- Is particularly serious and needs to be dealt with as a matter of urgency; or
- Is about a senior manager within the line management chain.

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If a member of staff has raised a concern with their line manager, but feels it has not been adequately addressed, or if it is not appropriate to raise with their line manager, then the following options are available to make the report to:

- A member of the HR Team
- Any Linc Manager
- Executive Director of Corporate Services and Company Secretary
- Chair of the Audit Committee

At the point that Linc determines the report as being one of Whistleblowing, and therefore, a notifiable event it will report it to the internal and external auditors, the Chair of the Board and The Welsh Government Regulatory Team, including Care Inspectorate Wales, (CIW).

Confidentiality

Anonymous allegations will be considered, although concerns raised anonymously are often more difficult to investigate. We will take all concerns seriously, even if they are reported to us anonymously. We will, however, make no assumptions about any concerns brought to our attention being either true or false.

Employees may choose to raise concerns anonymously, i.e. without providing their name at all. If this is the case, the investigation itself may serve to reveal the source of information.

Employees are therefore encouraged, where possible to put their names to concerns raised. However, raising a concern anonymously is preferred to silence about potential serious wrongdoing.

Linc will respect any request for confidentiality as far as possible, restricting it to a 'need to know basis'. However, if the situation arises where it is not possible to resolve the concern without revealing the employee's identity (for example in matters of criminal law), Linc will advise the employee before proceeding. The same considerations of confidentiality should be afforded to the employee(s) at the centre of the concern, as far as appropriate.

In determining whether to take an anonymous allegation forward under the policy and guidance and procedures, the relevant investigating officer will consider the:

- Seriousness of the issue raised
- Credibility of the concern
- Likelihood of confirming the allegation from an attributable source and gaining information from them

In every case of whistleblowing, where we consider if an investigation is needed to determine the facts, it does not mean we assume the whistleblowing concerns to be true. It simply means that the reported issues are serious, and the facts need to be established.

Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contact points listed above and appropriate measures can then be taken to preserve confidentiality.

If there is any doubt, advice can be sought from Protect (the Whistleblowing Charity) which offers a confidential helpline. The contact details are at the end of this policy.

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Investigation and outcomes

Once a concern has been raised, Linc will carry out an initial assessment to determine the scope of any investigation. Linc will inform the whistleblower of the outcome of its assessment. Attendance at additional meetings to provide further information may be required.

In some cases, Linc may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

Linc will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us providing specific details of the investigation or any disciplinary action taken as a result. Any information given about the investigation should be treated as confidential.

Linc will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.

Throughout any investigation, the employee will still be expected to continue their duties/role as normal unless deemed inappropriate.

If Linc concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, they will be subject to disciplinary action.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. Linc aims to encourage openness and will support staff who raise genuine concerns as part of their everyday working life and under this policy, even if they turn out to be mistaken.

Staff will not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a whistleblower believes they have suffered any such treatment, they should inform their line manager or one of the senior officers detailed in this policy immediately. If the matter is not remedied, they should raise it formally using Linc's Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. If involved in such conduct, they may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue individuals personally for compensation in an employment tribunal.

If dissatisfied with the outcome of a concern or how it has been handled.

While Linc cannot always guarantee the outcome a whistleblower is seeking, we will deal with concerns fairly and in an appropriate way. By using this policy, whistleblowers can help us to achieve this.

If a whistleblower is not happy with the way their concerns have been handled, they can raise it with one of the other key (and more senior) contacts detailed above. If the concern has been handled by a Head of Service or a Director and the whistleblower remains dissatisfied, the matter can be raised with an Executive Director or the Chief Executive.

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External disclosures

The law recognises that in some circumstances it may be appropriate to report concerns to an external body.

Raising a concern outside the prescribed routes listed in this policy, for example, with the media, campaign groups, on social media or with political parties, is protected by PIDA only in very limited circumstances and could, if it amounts to an unauthorised disclosure, result in disciplinary action.

Linc strongly encourages staff to seek advice before reporting a concern to anyone external as in most cases, it is always appropriate to report internally in the first instance. The independent whistleblowing charity, Protect, operates a confidential helpline. It also has a list of prescribed regulators for reporting certain types of concern. Its contact details are at the end of this policy.

Whistleblowing concerns will usually relate to the conduct of Linc's staff, but they may sometimes relate to the actions of a third party, such as a resident, tenant, service user, supplier, or service provider. In some circumstances the law will protect whistleblowers if the matter is raised with the third party directly. However, as explained throughout this policy, Linc promotes openness and transparency and actively encourages reporting such concerns internally first. Line managers or one of the other individuals set out above should be contacted for guidance.

Other bodies where qualifying disclosures can be made are:

- HM Revenue & Customs
- the Financial Conduct Authority
- the Competition and Markets Authority
- the Health and Safety Executive
- the Environment Agency
- the Independent Police Complaints Commission
- the Serious Fraud Office
- Care Inspectorate Wales
- Welsh Housing Regulator

Protection of children and/or vulnerable Adults

If a concern relates to the potential abuse of a resident or tenant, staff are encouraged to promptly discuss this with their line manager. The manager receiving the disclosure should immediately report this issue in accordance with Linc's Safeguarding Policy. This will involve informing an Executive Director or another member or the Senior Management Team in their absence. If the concern is within the nursing homes, it should be reported to the Responsible Individual. The issue may also involve undertaking a statutory referral to the relevant Local Authority's Safeguarding Team. In this case the Safeguarding Policy and Procedures take precedence and direction of further steps will be through the safeguarding process.

Monitoring and review

This policy reflects Linc's current practice. This Policy will be reviewed annually, and its use will be monitored by the Executive Director Corporate Services.

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The Audit Committee will receive and consider at every Committee Meeting a report on Whistleblowing from the Executive Director Corporate Services.

This Policy will be published on Linc's website.

Training and delegated authority

Linc will ensure that staff responsibilities in relation to the management of this Policy are clear. New staff will be taken through this policy during their induction period.

3. Equality & Diversity

It is our policy to treat our current and prospective employees fairly and equally and not to discriminate because of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity, otherwise known as protected characteristics, as set out in the Equality Act 2010.

We will treat all employees and potential employees with dignity and respect and will provide an environment free from unlawful discrimination, both direct and indirect, victimisation or harassment based on any of the above protected characteristics.

We will not tolerate acts which breach this policy and any instances of such behaviour, or alleged behaviour, will be taken seriously, will be fully investigated and may be subject to Linc's disciplinary procedure.

This policy is equally applicable to employees working at all levels and grades including Board Members, senior managers, officers, directors, home workers, part time and fixed term employees.

Contacts

Protect – (The Whistleblowing Charity)

Address:

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Contact:

Telephone: 020 3117 2520

Email via website: [Advice Line | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

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