

Whistleblowing Procedure 2023

Approved by:	Trustees	Date: 29/06/2023
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Last reviewed on:	29/06/2023
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Next review due by:	29/06/2024
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Monitoring and review

This procedure will be reviewed by the Senior Leadership Team every 3 years in line with the Whistleblowing Policy.

Whistleblowing Procedure

The purpose of the procedure is to ensure that whistleblowers have an appropriate and accessible process to raise concerns under the whistleblowing policy and that they receive appropriate protection.

Applicability of this Policy and Procedure

This applies to all Camphill Wakefield 'staff' within the meaning of the Public Interest Disclosure Act 1998 Act, including current and former employees, trainees, consultants, contractors, volunteers, interns, apprentices and agency staff as well as individuals undergoing training or work experience as part of a training course (other than at an educational establishment).

Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the Camphill Wakefield's grievance procedure. Any member of staff in this situation is encouraged to approach the HR Services or members of SLT in confidence for advice.

Definition of a Whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Roles and Responsibilities

The **HR Services** can also provide staff with advice on the policy and process. They will also ensure that records are kept of all disclosures.

Line Managers, Heads of Department and **Senior Leaders** should take action in line with the procedure if any staff member raises a disclosure to them under the whistleblowing policy.

The **Chief Executive Officer** will receive any appeals following the outcome of any disclosure.

All Camphill Wakefield Staff should be aware of the policy and process and use it appropriately and know that there are a number of ways to raise a concern.

Protected Disclosures

The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a 'protected disclosure'.

In order to be a protected disclosure, a disclosure must relate to a specific subject matter and the disclosure must also be made in an appropriate way. A 'protected disclosure' must, in the reasonable belief of the member of staff making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

Specific Subject Matter

If, in the course of employment, a member of staff becomes aware of information which they reasonably believe tends to show one or more of the following, they must use this policy and procedure:

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

Procedure for Making a Disclosure

Information which a member of staff reasonably believes tends to show one or more of the situations above, should promptly be disclosed to their line manager so that any appropriate action can be taken.

If it is inappropriate to make such a disclosure to their line manager, a member of staff can raise the issue with their Head of Department or another Senior Leader. The HR Manager or the Trustees depending on the nature of the disclosure and who is involved.

If the disclosure relates to the Chief Executive Officer or another Senior Post Holder, a member of staff needs to raise the issue directly with the Clerk to the Trustees. In the event that the disclosure relates to the Trustees, a member of staff can raise the issue with the Chair of the Trustees.

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the Camphill Wakefield will not be in a position to notify the individual making the disclosure of the outcome of action taken by the Camphill Wakefield.

To make it as accessible as possible to staff to raise a disclosure, they will be accepted in writing, by email, or verbally by telephone or face to face. If the disclosure is verbally, this should be disclosed in the first instance to the Head of Performance or Clerk to the Trustees who will make arrangements to ensure that this is captured in writing using a notetaker.

Anonymity also means that the Camphill Wakefield will have difficulty in investigating such a concern. The Camphill Wakefield reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

- The seriousness of the issues raised in the disclosure;
- The credibility of the concern; and
- How likely it is that the concern can be confirmed from attributable sources.

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to the Head of Performance or Clerk to the Trustees.

Procedure for Investigation of a Disclosure

When a member of staff makes a disclosure, the manager receiving the disclosure will acknowledge its receipt, in writing, within 3 working days. All communications with the member of staff making the disclosure will be in writing and sent to the member of staff's home address rather than through the Camphill Wakefield's internal mail or email systems.

The manager should seek help from the Head of HR Services to ensure that the procedure is followed and the disclosure is logged for reporting and monitoring purposes. If the disclosure is against a Senior Manager then the Head of Performance can provide support. For disclosures against a Senior Post Holder the Trustees will need to be informed and will lead the process.

If investigations into the concern are prolonged, the manager will keep the member of staff concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

The investigating manager will then determine whether or not it believes that the disclosure is wholly without substance or merit. If the investigating manager considers that the disclosure does not have sufficient merit to warrant further action, the member of staff will be notified in writing of the reasons for the Camphill Wakefield's decision and advised that no further action will be taken by the Camphill Wakefield under this policy and procedure. Considerations to be considered when making this determination may include the following:

- If the investigating manager is satisfied that a member of staff does not have a reasonable belief that suspected malpractice is occurring; or
- If the matter is already the subject of legal proceedings or appropriate action by an external body; or
- If the matter is already subject to another, appropriate Camphill Wakefield procedure.

When a member of staff makes a disclosure which has sufficient substance or merit warranting further action, the investigating manager will take action they deem appropriate (including action under any other applicable Camphill Wakefield policy or procedure). Possible actions could include internal investigation; referral to the Camphill Wakefield's auditors; or referral to relevant external bodies such as the police, OFSTED, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation will be conducted by a manager of the Camphill Wakefield without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the Camphill Wakefield as appropriate. Where an external investigator is deemed appropriate this will be arranged by the Head of Performance or Clerk to the Trustees.

Any recommendations for further action made by the Camphill Wakefield will be addressed to the Chief Executive Officer or Chair of the Trustees as appropriate in the circumstances. Those that need to take action will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.

The member of staff making the disclosure will be notified of the outcome of any action taken by the Camphill Wakefield under this policy and procedure within a reasonable period of time. This should be within 10 working days following the completion of all investigatory action.

If the member of staff is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with the Chief Executive Officer within five working

days of the date of receipt of the outcome. The Chief Executive Officer will make a final decision on action to be taken and notify the member of staff making the disclosure. If the disclosure was made against a Senior Post Holder, the Clerk to the Trustees will manage any appeal following the outcome.

Safeguards for Staff Making a Disclosure

A member of staff making a disclosure under this procedure can expect their matter to be treated confidentially by the Camphill Wakefield and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

The Camphill Wakefield will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Camphill Wakefield does not identify the member of staff making the disclosure without their written consent, or unless the Camphill Wakefield is legally obliged to do so, or for the purposes of seeking legal advice.

No formal disciplinary action will be taken against a member of staff on the grounds of making a disclosure made under this policy or procedure. This does not prevent the Camphill Wakefield from bringing disciplinary action against a member of staff where the Camphill Wakefield has grounds to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the Camphill Wakefield without reasonable grounds.

A member of staff will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by the Camphill Wakefield for making a disclosure in accordance with this policy and procedure. Equally, where a member of staff is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken by the Camphill Wakefield against the colleague in question.

Disclosure to External Bodies

This policy and procedure has been implemented to allow staff to raise disclosures internally within the Camphill Wakefield. In exceptional circumstance a member of staff has the right to make a disclosure outside of the Camphill Wakefield where there are reasonable grounds to do so and in accordance with the law.

Staff may make a disclosure to an appropriate external body prescribed by the law. This list of 'prescribed' organisations and bodies can be found in information on the GOV.UK website. Staff can also make disclosures on a confidential basis to a practicing solicitor or barrister.

If a member of staff seeks advice outside of the Camphill Wakefield, they must be careful not to breach any confidentiality obligations or damage the Camphill Wakefield's reputation in so doing.

If a member of staff reveals their concerns via social media or by going to the press/media, they may not be entitled to receive the legal protection associated with whistleblowing.

Accountability

The Head of Performance will ensure there is a record of all concerns raised under this policy and procedure (including cases where the Camphill Wakefield deems that there is no case to answer and therefore that no action should be taken) and will report to the Trustees on an annual basis as appropriate.



Further Assistance for Staff

The Camphill Wakefield will not tolerate any harassment or victimisation of staff who make disclosures. If, at any stage of this procedure a member of staff feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to the Director of People Services.

A member of staff making a disclosure may want to confidentially request counselling or other support from the Camphill Wakefield's occupational health service. Any such request for counselling or support services should be addressed to the Head of HR Services. Such a request would be made in confidence.

Staff can also contact the charity Protect for confidential advice on whistleblowing issues. Contact details are as follows and they can be contacted via their website:

Protect

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

[Contact us - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk/advice-line/) <https://protect-advice.org.uk/advice-line/>