



**GOV-POL-03-02**  
**Whistleblowing Policy**



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## **1. Scope**

- 1.1 This Policy is owned by the Group Business Support Director and is applicable to all members of staff and board members.
- 1.2 The Policy takes into account the requirements of the Public Interest Disclosure Act 1998 which provides protection to workers from detrimental treatment or victimisation for their employer if they make disclosures or raise concerns about wrongdoing.

## **2. Policy Statement**

- 2.1 The aim of the Policy is to encourage staff, individuals or companies that are providing goods or services to the group to raise concerns that they may have about business practices with a manager in confidence. This will allow the matter to be investigated and action taken rather than a serious matter being overlooked or communicated to outside sources.
- 2.2 The Policy sets out the framework for those raising and investigating whistleblowing matters to ensure that those raising concerns are treated fairly and consistently and a consistent approach is applied across the group.

## **3. What is Whistleblowing**

- 3.1 The Public Interest Disclosure Act 1998 provides protection to anyone who is “making a disclosure in the public interest”. This covers situations where an individual raises serious concerns or passes on information concerning wrongdoing, typically in a work environment. Disclosures must be in the public interest which usually means that it must affect others and should not be a personal grievance or complaint.
- 3.2 This could include:
  - that a criminal offence has been committed, is being committed or is likely to be committed,
  - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is 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, or
  - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- 3.3 This could include behaviour which is unlawful such as fraud, theft or corruption, behaviour which is against the group’s standing orders or policies, falls below established standards and practices such as those relating to health and safety or behaviour towards a resident which would give cause for concern.

3.4 The Policy does not cover matters that are covered by other policies or procedures. These may include:

- Staff complaints about their employment
- Fraud and Bribery Policies
- Customer complaints about our services
- Allegations of bullying or harassment which are not due to raising concerns under the Whistleblowing Policy

## **4. How to Raise Concerns**

4.1 Concerns can be raised through your manager, Director, the Organisational Development team or a Board Member. An investigation will be carried out into concerns raised and a record of the issue raised, the investigation and the outcome of the investigation will be maintained by the Organisational Development team.

4.2 Further guidance on how to raise concerns under this policy can be found in the Whistleblowing Procedure.

## **5. Safeguards**

5.1 The group recognises that the decision to report a concern can be difficult, not least, because of fear of reprisal as a result of making a report. Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary actions, threats, harassment, victimisation and any other unfavourable treatment and action will be taken to protect individuals in these circumstances.

5.2 This does not mean that if an employee is already the subject of disciplinary or redundancy procedures that those procedures will necessarily or automatically be halted as a result of a whistleblowing complaint being raised.

5.3 Torus recognises that employees may wish to seek advice and be represented by their trade union representative or a colleague when using the provisions of this policy.

5.4 Torus will support employees who disclose information relating to abuse towards residents by other staff members.

5.5 The following people are protected:

- Employees
- Agency workers

## **6. Confidentiality**

- 6.1 The Group will do its best to protect an individual's identity when a concern is raised unless there is a requirement in law to make this known.
- 6.2 As part of the investigation process conducted as a result of whistleblowing the investigation may reveal the source of the information and a statement by the individual may be required as part of the evidence.
- 6.3 It may be possible to establish the truth about allegations from another independent source and the Company will seek to do this if this can be done without further involving the Board Members/employee.

## **7. Anonymous Allegations**

- 7.1 This Policy encourages individuals to give their name when allegations are made. Concerns raised anonymously tend to be far less effective but they will be considered at the discretion of the Group.
- 7.2 In exercising discretion the factors to be taken into account would include:
- The seriousness of the issues raised
  - The credibility of the concern
  - The likelihood of confirming the allegation from attributable sources.
  - History of previous reports and/or commonality issues

## **8. Untrue Allegations**

- 8.1 If an allegation is made in good faith but it is not confirmed by an investigation, no action will be taken against the employee. If, however, an allegation is made which the individual knows to be untrue (i.e. malicious or vexatious) appropriate disciplinary or legal action may be taken.

## **9. Responsibility**

- 9.1 The Group Business Support Director is responsible for implementing the Whistleblowing Policy.
- 9.2 Managers should ensure that all staff are aware of this policy and the process for raising concerns under this policy.
- 9.3 The Audit and Risk Committee is responsible for monitoring and reviewing all matters raised through the Whistleblowing Policy.

## **10. Diversity & Inclusion**

- 10.1 The Group aims to ensure that the Whistleblowing Policy respects and upholds the organisation's commitment to equality and diversity in a manner that is fair to all staff regardless of their age, religion or belief, disability, gender, race, sexual orientation, transgender status, marriage and civil partnership, pregnancy or maternity or any other matter that may cause potential discrimination in service delivery.
- 10.2 The Group will ensure that where necessary is assists everyone to access the Whistleblowing Policy.

## **11. Associated Policies and Procedures**

- 11.1 This policy should be read in conjunction with the following:
- Whistleblowing Procedure
  - Anti-Fraud Policy
  - Anti-Bribery Policy
  - Financial Regulations and Standing Orders
  - Grievance, Bullying and Harassment Policy
  - Disciplinary Policy
  - Safeguarding policies

## **12. Review**

- 12.1 This Policy will be reviewed every 2 years.