

Healthwatch Luton

Whistleblowing Policy

Introduction

“Whistleblowing” is the term used when a worker reports suspected malpractice or wrongdoing at work. Officially this is called “making a disclosure in the public interest”. Healthwatch Luton (HWL) believes it is good practice to create an open, transparent and safe working environment where staff and volunteers feel able to speak up.

If a member of staff or volunteer discovers information which they believe shows serious malpractice or wrongdoing within HWL, then they should be able to disclose this information internally and without fear of reprisal.

The Public Interest Disclosure Act 1998 gives legal protections to employees against dismissal or being penalised by their employers, because of publicly disclosing certain serious concerns. HWL is committed to ensuring that no member of staff or volunteer should feel at a disadvantage when raising a legitimate concern.

Scope

This policy intends to assist staff and volunteers who believe they have discovered malpractice or wrongdoing within HWL, by enabling them to raise their concerns in a responsible and effective manner.

The policy is intended to cover concerns or “**qualifying disclosures**” which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures, i.e., disciplinary. These concerns 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 when complying 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, or
- That information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be, deliberately concealed.

A disclosure of such information is not a qualifying disclosure if the worker commits an offence by making it. Examples of disclosures which could be made include allegations of:

- Dangerous practices at work that could cause harm to employees, other workers or the public (ignoring health and safety legislation).
- Fraud, theft, corruption, extravagance or unnecessary waste by employees.
- Corruption when applying for grants or funding for projects.

- That a criminal offence is, or is likely to be, committed such as:
 - making unauthorised disclosures of confidential information (contrary to GDPR), or
 - the organisation is not in possession of the right insurances.
- Risk of, or damage to, the environment.
- Offering, taking or inviting bribes. or
- A failure to comply with any other legal obligation.

Throughout this policy, HWL refers in general to the above as “concerns of malpractice”.

Any concern of malpractice whether by an employer or even a third party is a matter of genuine concern to HWL, and we realise that these cannot be made in bad faith. It does not matter if there is no conclusive evidence of the concern occurring, or even if a mistake has been made and the concern does not, in fact, materialise – if it is felt that the complainant reasonably believes their version of events.

It is also recognised that employees are often the first to realise that there may be something wrong within their organisation, and therefore HWL encourages all employees to raise genuine concerns about malpractice at the earliest stage rather than wait for proof. Where there are personal interests in the matter, HWL would expect these to be disclosed.

Employees do need to be mindful of the distinction between a whistleblowing concern and a grievance.

- Whistleblowing matters are those that are about unlawful conduct, financial malpractice or dangers to personal health or safety or the environment.
- Grievances are concerns about an individual’s personal circumstances which should be addressed through HWL’s HR policies.

The ways to raise a concern

Step one

- If members of staff have a concern about malpractice, we hope that they will feel able to raise it with their manager (the CEO). This can be through either verbal or written form.

Step two

- If members of staff feel unable to raise the matter with their manager, for whatever reason, or feel that the manager does not properly address their concerns, then they should raise the matter with the Board Directors.
- Please say if you want to raise the matter in confidence (with your identity not disclosed, so HWL can make suitable arrangements to not disclose the identity to the parties unless required to by law).

All concerns will be managed in confidence and every effort will be made not to reveal the whistle blower’s identity if required.

Responses to Concerns

Once you have told us of your concern(s), HWL will investigate to assess what action HWL will take. This may involve an internal inquiry or referral to an external body such as the police. HWL will tell you who is dealing with the matter, how you can contact them and whether your further help may be required. If you ask it, HWL will write to you summarising your concern and setting out how we propose to handle it.

When you raise the concern, HWL may ask you how you think the matter might be best resolved.

Untrue allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person who raised the concern. If, however, an allegation is made frivolously, maliciously or for personal gain then HWL will take the matter very seriously and it will be considered a breach of the Healthwatch Code of Conduct.

Raising concerns outside Healthwatch

This policy is intended to provide an avenue to raise concerns within HWL. However, if someone wishes to raise a major concern and feels it is appropriate to do so outside HWL, they may do so by contacting:

- Local Council
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations such as Care Quality Commission or Healthwatch England
- Relevant voluntary organisation
- Police

Ratified by Board July 2024

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