



# **Whistleblowing Policy and Procedure**

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SMT Lead:	People Director

# Whistle Blowing Policy and Procedure

## Introduction

This policy applies to all employees of the Innovate Care Group (ICG). Other individuals performing functions in relation to ICG, such as agency workers and contractors, are encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by workers or employees of ICG is reported and properly dealt with. ICG therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter and it is ICG's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

ICG encourages workers to raise their concerns under this procedure in the first instance. If a worker is not sure whether to raise a concern, they should discuss the issue with their line manager or Human Resources.

## Key Principles

- 1) Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Everyone should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 2) Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.
- 3) No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- 4) Victimisation of a worker for raising a qualified disclosure will be considered a disciplinary offence.
- 5) If misconduct is discovered as a result of any investigation under this procedure, ICG's disciplinary procedure will be used, in addition to any appropriate external measures.
- 6) Maliciously making a false allegation will be treated as a disciplinary offence.
- 7) An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a member of the Senior Management Team.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use ICG's grievance procedure.

## **Procedure**

### Step 1:

In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach their line manager, any concerns should be raised with the worker's line manager using the Disclosure form at Appendix 1.

If they believe the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to Step 3.

### Step 2:

The line manager will arrange an investigation into the matter (either by investigating the matter personally or passing the issue to someone in a more senior position). The investigation may involve the worker and other individuals involved giving a written statement.

Any investigation will be carried out in accordance with the seven principles set out in the Policy. The worker's statement will be considered, and they will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the Board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to Human Resources and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the Board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained to the worker.

### Step 3:

If the worker is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Board, they should inform Allister McHarrie, COO ([allister.mcharrie@innovatecare.co.uk](mailto:allister.mcharrie@innovatecare.co.uk)), who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the Board as in Step 2.

If for any other reason the worker does not wish to approach their line manager they should in the first instance contact Allister McHarrie, COO and if this is not possible or appropriate then they should contact Ben Cabbage, Company Chairman and CEO ([ben.cabbage@tfshealthcare.co.uk](mailto:ben.cabbage@tfshealthcare.co.uk)).

Any approach to the Director will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent.

### Step 4:

If on conclusion of steps 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The whistle blowing legislation sets out several bodies to which qualifying disclosures may be made.

These include:

- HM Revenue & Customs;
- Financial Conduct Authority;
- Competition and Markets Authority;
- Health and Safety Executive;

- the Independent Office for Police Conduct; and
- Serious Fraud Office.

### **Data protection**

When an individual makes a disclosure, ICG will process any personal data collected in accordance with its data protection policy.

Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

### **Making a Public Interest Disclosure (whistleblowing)**

This form is intended for use by any individual working for the Innovate Care Group (ICG) (including contractors, agency workers and volunteers) who wishes to raise an issue about wrongdoing.

This form should be used to report wrongdoing within the organisation (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under ICG's whistleblowing policy or grievance procedure, please read the whistleblowing policy, which provides examples of the issues that should be reported using this form. If, having read the policy, you remain unsure about which procedure to use, please consult Human Resources for further advice.

Once you have submitted this form, ICG's whistleblowing procedure will be invoked. This will result in an investigation.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the organisation will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to Allister McHarrie in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

### **Appendix 1**

<b>Public interest disclosure (whistleblowing)</b>	
Worker/Employee name:	
Worker/Employee job title:	
Worker/Employee's department:	
Date:	
Does your public interest disclosure relate to your line manager?	Yes/No
<b>Summary of disclosure:</b>	

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

**Individuals involved:**

Please provide the names and contact details of any people involved in your concerns, including witnesses.

**Outcome requested:**

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.

Form completed by:

Signature:

**For completion by the organisation:**

Date form received by ICG:

Name of recipient and job role:

Signature: