

Merton Mencap

**Whistle-blowing
Policy & Procedure**

March 2014

Merton Mencap

WHISTLE-BLOWING POLICY & PROCEDURE

This policy and procedure has been adopted by Merton Mencap through its Executive Committee which remains responsible for its review.

Original signed version is kept at the Merton Mencap office.

Signed: _____ Date: _____

Name: _____

Chair of Executive Committee

Signed: _____ Date: _____

Name: _____

Chief Executive

Record of adoption and review of this policy and procedure:-

Adopted:	16 September 2009
Reviewed:	2 June 2011
Reviewed:	11 March 2014

Merton Mencap

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POLICY

1. Introduction

Staff and staff member means employees, bank workers and volunteers.

Whistle-blowing (or public interest disclosure) is when a worker reports a concern about improper actions or omissions of their colleagues or the organisation they work for which may cause harm to others or to the organisation.

Disclosure should be made in “good faith”, in other words, out of a real concern about wrongdoing. Making false accusations for ulterior motives is not whistle-blowing. The whistle-blower should reasonably believe the information is true, even if it later turns out to be incorrect.

Whistle-blowing is not the same as a worker raising a grievance relating to them as an individual, on which see Merton Mencap’s *Grievance Procedure* (for employees and bank workers) and Merton Mencap’s *Volunteer Policy* (for volunteers). A whistle-blower will not generally have any direct personal interest in the outcome of any investigation into their concern.

The whistle-blower raises the concern so that others can address it. Examples of concerns might include fraud or other irregular financial dealings, child abuse or abuse of vulnerable adults, neglect, bullying or mistreatment of employees, volunteers or service users, health and safety at work, or any failure to comply with a legal obligation.

2. Policy commitment

Merton Mencap is committed to being open, honest and accountable in all its activities. We encourage genuine whistle-blowing and will do everything possible to protect any whistleblower’s identity. We will investigate all accusations fully and report the actions we intend to take back to the whistleblower. To this end, it will ensure that a member of staff with a genuine concern can raise the matter and be confident that it will be dealt with in a proper and appropriate way.

This document is intended to reassure staff that genuine concerns, made in good faith, can be raised without fear of victimisation, subsequent discrimination and disadvantage.

PROCEDURE

3. *How to raise a concern*

The Chief Executive of Merton Mencap is the **Designated Person** for dealing with all matters relating to whistleblowing. Andrew Whittington is the Chief Executive of Merton Mencap.

If you have any concern which you wish to raise under this procedure, you should raise it with the Designated Person, or, if your concern relates to the Designated Person, you should raise it with the Chair of Trustees of Merton Mencap. The contact details of the Designated Person and the Chair of Trustees can be found in a later section of this document, *Contact Details*.

You may raise the matter in person, by email, by telephone or in writing addressed to the Chief Executive as the Designated Person, or the Chair of Trustees, as the case may be. Any written correspondence posted should be clearly marked "Strictly Private & Confidential", giving in all cases details of your concern and the reasons for it.

Where possible, details of concerns should include the background and history of the concern, and relevant names, dates and places.

You are encouraged to give your name in raising a concern. Concerns raised anonymously will be considered at the discretion of the Designated Person (or the Chair of Trustees as the case may be) depending on the seriousness of the concern and the available evidence.

If in raising a concern, you wish your identity to remain confidential, your wish will be taken into account. However, if your concern cannot be effectively progressed and properly dealt with on the basis of keeping your identity confidential, whether and how to proceed will be discussed with you.

4. *Dealing with your concern*

The Designated Person (or the Chair of Trustees as the case may be) will deal with the concern in a proper and appropriate way, depending on its nature, and within a reasonable timescale.

It may be necessary to carry out an investigation, including making further enquiries, carrying out interviews, holding meetings or seeking advice. You may be asked to attend a meeting to discuss the matter. You may also be asked to give evidence in disciplinary or legal proceedings.

All appropriate records will be kept of all relevant actions in dealing with your concern.

You will be given feedback on how your concern is being dealt with and the outcome of the matter.

If you are dissatisfied with the outcome of the matter or if you have genuine concerns that the matter has not been dealt with in a proper way, you may wish to seek advice on contacting a relevant external regulator, see further below.

5. *Malicious allegations*

If you raise a genuine concern, in good faith, but it is not confirmed by the outcome of any subsequent investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

6. *Legal protection for whistle-blowers*

Public interest disclosure (whistle-blowing) legislation gives protection to employees against unfair dismissal and being subjected to any other detriment by an employer in respect of “qualifying disclosures” (whistle-blowing allegations). You may wish to seek more detailed advice on this, see further below.

7. *Independent Advice*

If you would like independent advice in relation to whistleblowing, you may wish to contact the independent charity, Public Concern at Work, see www.pcaw.co.uk. Their helpline number is 020 7404 6609.

8. Reviewing Performance

Merton Mencap trustees will review all actual cases of whistle-blowing (without disclosure of whistle-blower’s names) in order to make sure that this policy is being implemented fully.

Whistle-blowing Policy & Procedure

Contact Details

Merton Mencap

Designated Person

Andrew Whittington, Chief Executive

Tel: 0208 687 0965

Mobile: 07767 670 134

Email: chief.executive@swlondonmencap.nhs.uk

Postal address:

Merton Mencap
The Wilson Hospital
Cranmer Road
Mitcham
Surrey
CR4 4TP

If the Designated Person is not available, or your concern relates to the Designated Person, you should contact the Chair of Trustees:

Chair of Trustees at Merton Mencap

Julian Walton

020 8946 2855

Audit Guidance

Check	Evidence
Are staff aware of this policy?	<p>Ask staff whether they are aware of this policy?</p> <p>Do staff know the function of this policy and the circumstances it could be followed?</p> <p>Are staff aware of the differences between this policy and similar policies, such as the Grievance Procedure and Volunteer Policy?</p> <p>Are staff aware of the Designated Person to contact for whistle-blowing, and how they can be contacted?</p>
Have any Whistle-blowing alerts been received and were these dealt with appropriately?	<p>Ask the Designated Person whether they have received any Whistle-blowing alerts.</p> <p>Find out what action was taken in the management of any Whistle-blowing alerts, e.g. records made, outcome</p>
Is Whistle-blowing a standard feature of the Chief Executive's regular report to trustees ahead of their meetings?	<p>Check Chief Executive's written reports for trustees to check whether Whistle-blowing is a standard feature.</p> <p>Check minutes of trustee meetings to ascertain whether any Whistle-blowing alerts have been discussed and managed appropriately</p>