

## North Kent Mind

### Whistleblowing Policy

#### 1. Introduction

“Whistleblowing” means that a people working within an organisation, whether paid, volunteers, or trainees on placement, have the right, and are encouraged, to report serious concerns they may have about others working in the organisation, or the way the organisation functions. They might report these concerns within the organisation, or even to bodies outside the organisation. The Public Interest Disclosure Act 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns, if they have followed the correct processes.

#### 2. Purpose of this Policy

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken
- given a response to their concerns and are aware of how to pursue them if not satisfied.
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

#### 3. Concerns Appropriate for Whistleblowing

A whistleblowing policy is designed to cover issues of concern which do not fit in with other procedures and policies (eg, Grievance, Health and Safety reporting etc). Generally, whistleblowing concerns will involve issues which are illegal, dangerous, abusive or contrary to the ethos or standards of the organisation. These may be about:

- conduct which is, has been or is likely to be an offence or breach of law
- unauthorised use of funds, possible fraud and corruption, including wasteful or frivolous expenditure
- sexual or physical abuse of clients, or other unethical conduct or discrimination of any kind
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees
- past, current or likely damage to the environment
- conduct which does not live up to the written standards or values of North Kent Mind
- Attempts to conceal any of these

## **4. How to Raise a Concern**

Concerns can be raised verbally or in writing. A concern should set out the background and history of the concern, giving names, dates and places where possible, and give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on behalf of an employee.

Whenever possible you should raise your concern with your immediate manager or the CEO. Where your immediate manager is implicit in your concerns, you should raise the matter with the CEO. Where the CEO is implicit in your concerns, you should raise the matter with the Chair of the Trustees, by writing to them:

The Chair of North Kent Mind  
The Almshouses, 22 West Hill  
Dartford Kent DA1 2EP

Where the Chair of the Trustees is implicit in your concerns, you should raise the matter with other trustees or the CEO. There is an independent helpline available to talk things through if you are struggling with what you should do:

Public Concern at Work  
020 7404 5509.

## **5. Issues relating to Raising a Concern**

### **5.1 Confidentiality**

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

### **5.2 Anonymous Allegations**

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at North Kent Mind's discretion. In exercising the discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### 5.3 Untrue Allegations

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

### 5.4 Protection

For your disclosure to be protected by the law you should make it to the right person and in the right way. You must:

- make the disclosure in good faith (which means with honest intent and without malice)
- reasonably believe that malpractice in the workplace is happening, has happened in the past or will happen in the future
- reasonably believe you are making the disclosure to the right 'prescribed person' (see paragraph 4 above)

The law describes this as making a “protected disclosure”.

Employees have two safeguards under law in respect of whistleblowing.

- An employee is entitled not be subjected to any detrimental treatment by virtue of having made a protected disclosure.
- The dismissal of any employee directly due to the individual having made such a disclosure will automatically be unfair

No employer can prevent you from making a protected disclosure as part of your employment contract or other agreement between you and your employer.

## 6. The Organisation's Response

The action North Kent Mind takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management
- be referred to the Police
- form the subject of an independent inquiry.

In order to protect individuals and North Kent Mind, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child or adult protection) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to acknowledging that the concern has been received, how we intend to investigate the matter, and how long it will take to provide a final response.

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

North Kent Mind will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will advise or arrange for you to have advice about the procedure. North Kent Mind will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

We accept that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

## **7. Recourse to External Whistleblowing**

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. It would be viewed as a serious breach of discipline if a person were to publicise their concerns without having first tried to have them resolved internally. Nevertheless, in extreme and serious circumstances where a person has tried to use internal whistleblowing procedures and found the organisation to be unreasonably unresponsive to these issues, there may be a case to take concerns further.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

If you feel it is appropriate to take the matter further, the following are possible contact points:

- Public Concern at Work 020 7404 5609
- Audit Commission 020 7630 1019
- Kent County Council or other funding body
- NHS - Kent and Medway Commissioning Service
- Relevant professional bodies or regulatory organisations
- A solicitor
- The Police

If a matter is taken outside North Kent Mind, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed.