Policies and Procedures - Whistleblowing Policy

Scope of Policy

The policy applies to staff, volunteers and Trustees working at The Living Room, including shops. It must be read by all staff, volunteers, Trustees and is presented off during induction.

Policy Statement

The Living Room is committed to being open, honest and accountable. It encourages a free and open culture in all its dealings. This policy aims to help Trustees, management, paid staff and volunteers to raise any serious concerns they may have about colleagues or The Living Room Herts, as an employer, with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a health and safety risk to an individual
- damage to the environment
- fraud or corruption
- the mistreatment of service users
- misappropriation of funds
- breaches and abuses of The Living Room's own policies and code of conduct
- or concealment of the above

It is not necessary for individuals who raise the concern, to prove the wrongdoing that is alleged to have occurred or is likely to occur.

However, if an individual knowingly or maliciously makes an untrue allegation (e.g. in order to cause disruption with The Living Room), TLR will take appropriate disciplinary action against them. It may constitute gross misconduct.

The Disciplinary Procedure will be enacted if it is found that an employee or volunteers is/has:

- deterred someone from using the whistle blowing procedure
- victimised or bullied anyone who uses the whistle blowing policy in good faith
- maliciously raised false concerns
- concealed or destroyed information about wrongdoings

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

This policy does not deal with any complaints staff may have about their employment. This should be dealt with through The Living Room Grievance and Complaints Procedure. The Living Room's Bullying and Harassment policy offers protection to workers against harassment, bullying and discrimination.

Whilst volunteers are not covered by the Public Interest Disclosure Act, The Living Room will act to protect them, as they would have paid staff, from any ill-treatment because of raising a concern in good faith.

Service users should make complaints or raise concerns through the Client Complaints Procedure.

Procedures

How to raise a concern in the work place:

The officer designated to handle whistleblowing concerns is the Chief Executive Officer and shall be known as the "Whistleblowing Officer".

Individuals should in most cases, first report their concern to their line manager, who is expected to respond to that matter. If the relevant manager cannot deal with the matter, he or she will refer the concern to the Whistleblowing Officer.

Dependent on the seriousness and sensitivity of the matter, and who is suspected of the wrongdoing, the individual can, if necessary report directly to the Whistleblowing Officer. If the matter concerns the Whistleblowing Officer, it should be raised with the Chair of Trustees.

Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns.

Employees may wish to seek the assistance of a trade union representative (if they have one) before raising the concern. The trade union representative may, where the employee so desires, raise the concern on behalf of the employee. Employees may also invite a trade union representative or colleague to be present during any meetings or interviews about the concerns they have raised.

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact:

- their trade union (if applicable), or
- the independent charity, Public Concern at Work's legal helpline on 020 7404 6609, email: helpline@pcaw.co.uk

Public Concern at Work will be able to advise on how and with whom to raise a concern about malpractice.

Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.

If the individual reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than The Living Room or any other matter for which a person or body other than TLR has legal responsibility, the disclosure should be made to that other person or body or the police.

Protecting the individual raising the concern:

If an individual raises a concern which they believe to be true, TLR will take appropriate action to protect the individual from any harassment, victimisation or bullying. Employees who raise a genuine concern under this policy will not be at risk of losing their job/volunteer position, nor will it influence any unrelated disciplinary action or redundancy procedures.

The matter will be treated confidentially, if the individual requests it, and their name or position will not be revealed without their permission unless TLRH has to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual's identity, the Whistleblowing Officer will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective, but the Whistleblowing Officer will decide whether or not to consider the matter taking into account:

- the seriousness of the matter
- whether the concern is believable
- whether an investigation can be carried out based on the information provided.

How the concern will be dealt with by The Living Room:

How the concern will be dealt with, will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by TLR Whistleblowing Officer, Executive Team member, the Board of Trustees; through the disciplinary process or it may be referred to the police, appropriate other agencies such as an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

The Living Room will give the individual feedback on the progress and outcome of any investigation wherever possible.

If the suspicions are not confirmed by an investigation, the matter will be closed. Staff will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.

Review and compliance: ***Policies are subject to periodic review and amendment as deemed necessary in the light of change in legislation, guidance and experience.***

Version control			
Version	**By**	**Action**	**Date**
V1	Adrienne Arthurs	Created	12/04/2017
V2	Adrienne Arthurs	Update and review	27/07/2017
V3	Adrienne Arthurs	Update and review	21/12/2020
V4	Adrienne Arthurs Rita Cooper	Updated reference to other policies, removed creche and updated compliance	15/08/2022