

# Whistleblowing Policy

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<b>Owner (Responsibility)</b>	<b>Chief Executive Officer</b>

## Introduction

### Purpose

At Unlimit Health (previously known as “**SCI Foundation**”), it is vital that everyone who works for us, and with us, maintains the highest standards of conduct, integrity and ethics in accordance with our Code of Conduct, and complies with local legislation. If Unlimit Health staff or associated personnel (such as volunteers, partners, consultants or contractors) have genuine concerns or complaints about suspected wrongdoing or malpractice, they are encouraged to report them as soon as possible without fear of reprisals and in the knowledge that they will be **protected from detrimental treatment**.

This policy does not form part of any employee’s contract of employment and Unlimit Health may amend it at any time.

### Objectives

This policy is designed to:

- encourage staff and associated personnel to report suspected wrongdoing or malpractice in the knowledge that their concerns or complaints will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- provide staff and associated personnel with guidance on how to raise such concerns or complaints;

- outline a fair, transparent and confidential process for dealing with concerns or complaints, which accounts for both the person raising the concern or complaint and the subject(s) of the concern or complaint; and
- reassure staff and associated personnel that they should be able to raise genuine concerns without fear of reprisals.

## Definitions

In this policy, the term **whistleblowing** means the disclosure of information which relates to suspected malpractice, wrongdoing or dangers within, or outside of, the workplace. This could include:

- criminal activity;
- miscarriages of justice;
- financial misconduct such as fraud, corruption, bribery or blackmail;
- safeguarding concerns or malpractice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any other legal obligation or regulatory requirements; or
- concealment of any of the above.

A **whistleblower** is a person who raises a genuine concern relating to any of the above. If Unlimit Health staff or associated personnel have genuine concerns or complaints related to suspected wrongdoing or malpractice affecting any of Unlimit Health's activities (a whistleblowing concern), they should make a report under this policy.

We use the term **subject(s) of concern** to refer to the person or persons about whom a whistleblowing concern is made.

This policy will not cover suspected bullying and harassment or discrimination in the workplace, or other complaints relating to personal circumstances (such as the way someone has been treated at work). In such cases, the Grievance Procedure or other relevant policy should be used (see **Linked Policies and Procedures** below).

If Unlimit Health staff or associated personnel are uncertain about whether something is within the scope of this policy, they should seek advice from the Chief Executive Officer (**CEO**) or Safeguarding Focal Person (see **Contacts** below).

## Raising whistleblowing concerns

### How to raise a whistleblowing concern

In many cases, Unlimit Health hopes that staff and associated personnel will be able to raise whistleblowing concerns with their line manager or, where applicable, with any member of the Senior Leadership Team (**SLT**). Managers may be able to agree a way of resolving whistleblowing concerns quickly and effectively.

If the matter is more serious, or if staff or associated personnel would prefer not to raise a whistleblowing concern with their manager for any reason, reports can be made to:

- the CEO; or
- any member of the SLT; or
- a Safeguarding Focal Person; or
- the independent whistleblowing hotline provided by AAB People (formerly “SeeHearSpeakUp”), who will report whistleblowing concerns to Unlimit Health anonymously.

See **Contacts** at the end of this policy for contact details.

If staff or associated personnel still have concerns after making a report through the above channels, if they feel the matter is so serious that it cannot be discussed with any of the above, or if the whistleblowing concern relates to the CEO, they should contact the Chair of Trustees ([boardsafeguarding@unlimithealth.org](mailto:boardsafeguarding@unlimithealth.org)).

### Confidentiality

All whistleblowing concerns will be treated in confidence and will only be discussed with only those who **need to know**. Depending on the nature of the concern, this may include:

- relevant line managers;
- the CEO;
- the Chair of the Board of Trustees;
- an external HR consultant or adviser;
- a senior advisor with knowledge of the area of concern, for example:
  - safeguarding - the Safeguarding Focal Point
  - financial concerns – the Director of Finance and Operations
  - Health and Safety – the Director of Finance and Operations or the Head of Legal.

The relevant representative (or representatives) will act on behalf of Unlimit Health, in accordance with the investigations guidance.

Unlimit Health hopes that staff and associated personnel will feel able to raise whistleblowing concerns openly under this policy. If a whistleblower wants to raise a concern confidentially, Unlimit Health will make every effort to keep their identity secret. If Unlimit Health feel that it is necessary for someone investigating the whistleblowing concern to know the whistleblower's identity, Unlimit Health will first discuss this with the whistleblower.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should speak to one of the contact points listed in above (see **How to raise a whistleblowing concern** above) and appropriate measures can then be taken to preserve confidentiality. Whistleblowers can also seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy – see **Contacts**.

## **Making an anonymous report**

Anonymous reporting can make it more difficult, or even impossible, to investigate a whistleblowing concern, which is why Unlimit Health encourages people to raise concerns openly under this policy. If someone does wish to raise a whistleblowing concern anonymously, Unlimit Health would encourage them to share as much information as possible to assist with any investigation, including:

- What happened? If possible, make note of dates, times, places, people.
- Who is involved?
- Is anyone at immediate risk of harm?
- Did anyone else observe the incident? If so, who?
- How do you know about it?
- When were you first concerned about it?
- Have you told anybody about it?
- Was any action taken?

Whistleblowers are also asked to provide as much evidence as possible. Evidence can vary depending on the nature of the incident and might include emails, text messages, images, videos, audio recordings, or accounts from others who observed an incident. This evidence will only be seen on a need-to-know basis and will be redacted as far as possible to protect confidentiality.

## **Dealing with whistleblowing concerns**

The **flowchart** in the annex to this policy sets out the process that Unlimit Health will follow when dealing with whistleblowing concerns.

## Initial response

If informed verbally, the employee who was made aware of a whistleblowing concern shall aim to gather enough information to ensure that they understand exactly the particular concern while treating the whistleblower with respect and care. They will write down a record of the conversation with the whistleblower, mark it as confidential and ascertain how the whistleblower wants to be contacted in the future. They will then alert one of the people listed in the section '**How to raise a whistleblowing concern**'.

If made aware of a whistleblowing concern in writing, the employee receiving the communication should alert one of the people listed in the section '**How to raise a whistleblowing concern**'. A response or acknowledgement email is not the responsibility of the recipient but is part of the later process by the whistleblowing committee.

If the concern is raised via the whistleblowing hotline, the Director of Finance and Operations or the Safeguarding Focal Points will be automatically notified by email and will alert one of the people listed in the section '**How to raise a whistleblowing concern**'.

If a danger to health and safety can be identified, the initial response shall be carried out on the day the employee is made aware of the concern. If not, the initial response shall be carried out within the next working day.

## Constitution of the Whistleblowing Committee

The person alerted by the employee of the whistleblowing concern shall inform the CEO, who will then convene a Whistleblowing Committee comprised of:

- the Chief Executive Officer; and
- any relevant stakeholders identified by the Chief Executive Officer.

If the whistleblowing concern relates to the CEO, the Chair of the Board will be informed and will constitute a Whistleblowing Committee with the relevant stakeholders.

## Investigation

The Whistleblowing Committee will carry out an initial assessment of the whistleblowing concern based on the information available, including:

- the record of the whistleblowing concern;
- any documents supplied by the whistleblower;

- any other information received by Unlimit Health or already in Unlimit Health's possession.

The Whistleblowing Committee will outline an action plan, including stakeholder communication, the level of protection required for the whistleblower, if any, and outline the investigations plan.

Unlimit Health will send a written acknowledgment to the whistleblower and may ask the whistleblower to provide additional information and/or to attend a further meeting. The written acknowledgment will include information on the support available to whistleblowers (see **Protection and support for whistleblowers** below).

Unlimit Health will aim to keep whistleblowers informed of progress including:

- the outcome of the initial assessment;
- an indication of whether any initial enquiries have been made;
- an indication as to whether further investigations will take place, and if not, why not;
- an indication of how matters will be dealt with; and
- an estimation of timescales.

Sometimes the need for confidentiality may prevent Unlimit Health from giving specific details of an investigation or any action taken as a result.

In some cases, an investigator (or team of investigators) will be appointed and they will liaise with the whistleblower and/or the subject of concern regarding the process of investigation.

The investigator(s) will ask the whistleblower for their preferred means of communication and contact details and will use these for all communications with the whistleblower in order to preserve confidentiality.

If Unlimit Health concludes that a whistleblower has made false allegations maliciously or misused this policy (e.g. by raising a whistleblowing concern for personal gain), the whistleblower will be subject to disciplinary action.

If someone is not satisfied with how a whistleblowing concern has been handled, they may contact the Chair of the Board of Trustees or the Safeguarding Trustee (boardsafeguarding@unlimithealth.org).

## **Subject(s) of concern**

All actions will be taken to respect the dignity and confidentiality of subject(s) of concern, and to ensure a fair process.

Information about subject(s) of concern will only be shared on a “need to know” basis (see **Confidentiality** above). Depending on the nature of the whistleblowing concern, Unlimit Health may:

- suspend subject(s) of concern (usually on full pay unless outlined in a specific contract note); or
- temporarily remove specific duties or workloads from subject(s) of concern;
- redeploy subject(s) of concern temporarily;
- ask subject(s) of concern to work from home temporarily.

Subject(s) of concern must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct may be subject to disciplinary action (or action in line with the specific contract note).

All those involved can access confidential support through the Employee Assistance Programme, (see **Contacts** below).

## **Protection and support for whistleblowers**

Unlimit Health will make every effort to support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken. For example, if a whistleblower is required to give evidence in disciplinary or criminal proceedings, Unlimit Health will arrange for them to receive advice about the procedure and will provide information on the support mechanisms available.

Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a whistleblower believes that they have suffered such treatment, they should inform the CEO immediately. If the matter is not remedied, they should raise it formally using Unlimit Health’s Grievance Procedure. This is not applicable if the whistleblower knowingly makes false claims or is attempting to misuse this policy.

## **External reports**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing and malpractice. Unlimit Health encourages all staff and associated personnel to report whistleblowing concerns internally first.

The law recognises that in some circumstances it may be appropriate to report a whistleblowing concern to an external body such as a regulator. The legislation sets out a number of bodies for reporting certain types of concern, including:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office;
- the Charity Commission
- the Pensions Regulator;
- the Information Commissioner

The full list is available in The Public Interest Disclosure (Prescribed Persons) Order 2014

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Unlimit Health encourages staff or associated personnel to seek advice before reporting a concern to an external body. The independent whistleblowing charity, Protect, operates a confidential helpline and they can give advice on reporting concerns to prescribed regulators – see **Contacts** below for details of how to contact Protect.

## **Responsibility for this policy**

The Board of Trustees has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The CEO and Safeguarding Trustee have day-to-day operational responsibility for the operation of this policy and for determining the administrative processes to be followed and the format for record keeping.

## **Recording and monitoring**

Unlimit Health will keep a record of whistleblowing concerns raised, including the following details:



- name and/or status of the whistleblower (e.g. employee, partner, member of the public);
- date on which the whistleblowing concern was received;
- nature of the whistleblowing concern;
- details of the person who received the whistleblowing concern;
- whether the whistleblowing concern was investigated (if so, by whom and if not, why not) ;
- the outcome of any investigation;
- the date on which any investigation was concluded; and
- any other relevant details;

The whistleblowing register will be confidential and only available for inspection on a “need to know basis”.

The CEO will report annually to the Board of Trustees on the operation of this policy and on the whistleblowing concerns made during the period covered by the report. The report will be in a form that does not share any personal identifiable information.

## **Linked policies and procedures**

- Equality & Diversity Policy
- Dignity at Work Policy
- Anti-bribery Policy
- Conflict of Interest Policy
- Safeguarding Policy
- Code of Conduct
- Data Protection Policy
- Financial Regulations/Finance Policy
- Acceptable Use of IT Policy
- Health and Safety Policy
- Disciplinary Procedure and Rules
- Grievance Policy

## **Related legislation**

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996

## **Contacts**

**Safeguard Focal Persons: Joshua Oliech, Carolyn Henry and Estelle Leach-Francais**

Email: [safeguarding@unlimithealth.org](mailto:safeguarding@unlimithealth.org)

**CEO: Wendy Harrison**

Email: [w.harrison@unlimithealth.org](mailto:w.harrison@unlimithealth.org)

**Safeguarding Trustee:**

Dr Justine Frain

Email: [Boardsafeguarding@unlimithealth.org](mailto:Boardsafeguarding@unlimithealth.org)

**Protect (independent whistleblowing charity)**

Helpline: 020 3117 2520

E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

Website: <https://protect-advice.org.uk/>

**Charity Commission**

Telephone: 0300 066 9197

Email: [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk)

Website: <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

**Employee Assistance Programme (EAP)**

Counselling and support for staff. EAP can be accessed through <https://pamwellbeing.co.uk/core-services/employee-assistance-programme/>. Employees can register with either their work or personal email address.

For a step-by-step guide on how to download the app see link [PAM Assist \(pam-assist.co.uk\)](https://pam-assist.co.uk)

The UH Org code for registration is: **UNLIM1**

**Tel:** [0800 882 4102](tel:08008824102)

**Email:** [counsellingteam@pamwellbeing.co.uk](mailto:counsellingteam@pamwellbeing.co.uk)

**AAB People (formerly “SeeHearSpeakUp”)**

AAB People (formerly “SeeHearSpeakUp”) is an independent external service that allows people to report concerns in an anonymous manner. Available 24 hours a day, 7 days a week, 365 days a year.

Toll free numbers for anonymised reporting

- UK 0800 056 2539
- USA 1 855 290 6405
- Global +44 1224 379 303

Reports can also be made confidentially by providing information via the website <https://www.seehearspeakup.co.uk/unlimithealth> or by email to [report@aabpeople.global](mailto:report@aabpeople.global)

# Report and Response Flow Chart

Employee has or is made aware of a concern relating to UH's employee, associated personnel or activity

Employee gathers information and documentation as appropriate.

On the same day, if someone is **at risk**, otherwise **next working day**

Employee reports the concern to CEO, LT member, Safeguarding Person, AAB or Chair of Board/Safeguarding Trustee

On the same day, if someone is **at risk**, otherwise **next working day**

Person having been alerted informs the CEO (or Chair of the Board/Safeguarding Trustee if CEO involved)

As soon as possible, within 2 working days





CEO or Chair of the Board/Safeguarding Trustee convenes the Whistleblowing Committee

As soon as possible, within 2 working days

Key Decisions Taken within 2 working days, for example:

- Who needs to be informed
- Timeline for communication and action points
- Establish evidence gathering procedure
- Establish investigation process.

## Responsibility key

-  Anyone
-  Relevant person alerted of concern
-  CEO/Chair of Board
-  Whistleblowing Committee