



ELHAP WHISTLEBLOWING POLICY AND PROCEDURE

WHISTLE BLOWING AT WORK

Introduction

1 The word whistleblowing in this Policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

Policy statement

2 ELHAP (A Special Needs Adventure Playground) is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

Other policies and procedures

3 ELHAP (A Special Needs Adventure Playground) has a range of policies and procedures, which deal with standards of behaviour at work; they cover Discipline, Grievance, Harassment and Recruitment and Selection. Employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when the matter is not about your personal employment position and needs to be handled in a different way. Examples may be:

- Malpractice or ill treatment of a service user by a senior member of staff
- Repeated ill treatment of a service user, despite a complaint being made
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Disregard for legislation, particularly in relation to health and safety at work
- The environment has been, or is likely to be, damaged
- Breach of standing financial instructions
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct
- Information on any of the above has been, is being, or is likely to be concealed

This list is not exhaustive.

ELHAP (A Special Needs Adventure Playground) will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the ELHAP Disciplinary Policy and Procedure.

Role of Trade Unions

4 ELHAP (A Special Needs Adventure Playground) recognises employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions of this policy, and acknowledges and endorses the role trade union officers play in this area.

Designated officers

5 The following people have been nominated and agreed by ELHAP (A Special Needs Adventure Playground) as designated officers for concerns under this procedure. They will have direct access to the most senior person in the organisation.

Mt Robert Dighton (Manager)	020 8550 2636	robertdighton@elhap.org.uk
Ms Johanna Merry (Vice-chair)	020 8550 2636	vicechair@elhap.org.uk

Role of designated officer

6 Where concerns are not raised with the line manager, the designated officer will be the point of contact for employees who wish to raise concerns under the provisions of this policy. Where concerns are raised with him/her, he/she will arrange an initial interview, which will if requested be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

Role of the most senior person in the organisation

7 The designated officer will report to the most senior person in the organisation, who will be responsible for the commission of any further investigation.

Complaints about the most senior person in the organisation

8 If exceptionally the concern is about the most senior person in ELHAP (A Special Needs Adventure Playground), this should be made to the relevant authority - London Borough of Redbridge (www.redbridge.gov.uk / 0800 633 5267), London Borough of Waltham Forest (www.walthamforest.gov.uk / 020 8496 3000) or OFSTED (www.ofsted.gov.uk / 0300 123 1231).

The investigation

9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of patients/clients/ customers, suspension from work may have to be considered immediately. Protection of service users is paramount in all cases.

9.1 The designated officer will offer to keep the whistleblower informed about the investigation and its outcome.

9.2 If the result of the investigation is that there is a case to be answered by any individual, the ELHAP Disciplinary Policy and Procedure will be used.

9.3 Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee suffers no reprisals.

9.4 Only where false allegations are made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the ELHAP Disciplinary Policy and Procedure.

Inquiries

10 If the concern raised is very serious or complex, an inquiry may be held.

10.1 ELHAP (A Special Needs Adventure Playground) recognises the contribution the trade union(s) can make to an inquiry, and agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. ELHAP (A Special Needs Adventure Playground) recognises that in many cases it will be desirable that a trade union(s) representative will be appointed to the panel of the inquiry.

Following the investigation

11 The most senior person in the organisation will brief the designated officer as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The feedback will be provided within the time limits (to be specified).

11.1 If the whistleblower is not satisfied with the outcome of the investigation, ELHAP (A Special Needs Adventure Playground) recognizes the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators) or, where justified, elsewhere.

The Law

12 This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.

Further Information

Public Concern at Work (PCAW) is an independent charity that provides confidential and free advice about whistleblowing. They can be contacted at:

Telephone: 020 7404 6609

Website: www.pcaw.org.uk