

Consalia Ltd.

## Whistleblowing Policy Version 2.1

Version number	Date of issue	Reason for update
v1	6 <sup>th</sup> February 2019	Reviewed internally
v2	17 <sup>th</sup> February 2020	Reviewed and issued
v2.1	8 <sup>th</sup> February 2021	Incorporated new branding

## Background

A whistleblower is a worker who passes on information about a company's wrongdoing to the company, or ultimately a third party. The act of passing that information is known as "blowing the whistle" or "making a disclosure."

Whistleblowers are protected by law, under the Employment Rights Act (1996) and the amendments made in the Public Interest Disclosure Act (1998). To get that protection, the worker must reasonably believe that they're acting in the public interest (therefore personal grievances are rarely covered under whistleblowing law).

They also need to believe the information they are disclosing shows past, present, or future wrongdoing in one or more of the following categories:

- criminal offences
- failure to comply with legal obligations
- miscarriages of justice
- the endangering of someone's health and safety
- damage to the environment
- covering up wrongdoing in one of those categories

## Whistleblowing - Key Policy Points

Consalia is committed to the highest standards of transparency, probity, integrity and accountability.

This Whistleblowing Policy sets out the framework for dealing with allegations of illegal and improper conduct. It is intended to provide a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will ensure confidentiality and protect those making such allegations in the reasonable belief that it is in the public interest to do so from being victimised, discriminated against or disadvantaged.

This procedure is intended to ensure that Consalia complies with its duty under the Public Interest Disclosure Act 1998.

## Scope

This procedure applies to all Consalia employees, including associates and contractors.

This procedure does not replace other Consalia policies or procedures. For example, if an employee has a grievance about their working conditions, they should use the Consalia Grievance Policy or, if they felt that their manager or a colleague was treating them unfavourably, they should use the Consalia Complaints Policy. Similarly, if an employee has a concern about the conduct of a fellow employee in the working environment (e.g. that they are not treating colleagues with respect) they should raise these with their immediate line manager or should this not be possible with another line manager, or if that is not possible, with the CEO. Should that not be appropriate and the whistleblower feels that the allegations should be raised externally, further details may be found here

[Gov.uk list of bodies and people - whistleblowing](#)

This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users

- Abuse of authority
- Other unethical conduct

## Reporting

It is recommended that allegations are raised with a line manager and that these are also put in writing to the CEO, Philip Squire, The Glasshouse, 5a Hampton Road, Hampton Hill, TW12 1JN.

Consalia recognises that the decision to make an allegation can be a difficult one to make. However, whistleblowers who make serious allegations in the reasonable belief that it is in the public interest to do so have nothing to fear because they are doing their duty either to Consalia and/or to those for whom Consalia or they are providing a service.

Consalia will take appropriate action to protect a whistleblower who makes a serious allegation in the reasonable belief that it is in the public interest to do so from any reprisals, harassment or victimisation.

## Confidentiality

All allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. Similarly, if the allegation results in court proceedings then the whistleblower may have to give evidence in open court if the case is to be successful. Consalia will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

## Anonymous Allegations

This procedure encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate/prove. Allegations made anonymously are much less powerful but anonymous allegations will be considered at the discretion of the CEO.

In exercising discretion to accept an anonymous allegation the factors to be taken into account:

- The seriousness of the issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from factors or sources other than the complainant

## Untrue Allegations

No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

## Procedure for Making an Allegation

It is preferable for allegations to be made to an employee's immediate manager to whom they report.

However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the whistleblower believes that management is involved it would be inappropriate to raise it directly with them. The whistleblower may then make an allegation direct to the CEO.

Once the allegation has been raised, after consideration, it will be discussed with the whistleblower and if they wish to proceed with the allegation, it will be investigated.

## Allegation

Whether a written or oral report is made, it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point (unless they have requested anonymity).
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

### Action on receipt of an Allegation

The line manager will record details of the allegation gathering as much information as possible, (**within 5 working days of receipt of the allegation**) including:

- The record of the allegation
- The acknowledgement of the allegation
- Any documents supplied by the whistleblower

The investigator will ask the whistleblower for his/her preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the CEO/Senior Management Team will be informed within 5 working days of receipt of the allegation. The CEO/Senior Management Team will determine whether the allegation should be investigated and the method of investigation.

If the allegation discloses evidence of a criminal offence, it will immediately be reported to the Board and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

If the issue is around suspected harm to vulnerable adults, Consalia's Safeguarding Policy and the Mental Capacity Act Policy should be referred to.

### Timetable – The Whistleblower can expect the following

An acknowledgement of the allegation in writing within 10 working days with

- An indication of how Consalia propose to deal with the matter
- An estimate of how long it will take to provide a final response
- An indication of whether any initial enquiries have been made
- Information on whistleblower support mechanisms
- Indication whether further investigations will take place and if not, why not

Where the allegation has been made internally and anonymously Consalia will be unable to communicate what action has been taken.

## **Support**

Consalia will take steps to minimise any difficulties which may be experienced as a result of making an allegation.

For instance, if a whistleblower is required to give evidence in criminal or disciplinary proceedings Consalia will arrange for them to receive advice about the procedure and advise on the support mechanisms that are available.

Consalia accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.

## **Responsibility for the Procedure**

**The CEO has overall responsibility for the operation of this Procedure and for determining the administrative processes to be followed and the format of the records to be kept.**

### Monitoring

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential.

The Leadership Team will annually review the operation of the procedure and will create an annual report of any whistleblowing allegations made during the period covered by the report.

The report will be in a form which does not identify whistleblowers.