



H & F Mencap

Whistleblowing Policy and Procedure

Policy Statement and Scope

All of us, at one time or another may have concerns about what is happening at work. Usually, these concerns can be sorted out easily. However, when there is a bigger concern, it can be difficult to know what to do. If something is troubling you, which you think should be looked into, HF Mencap wants you to report your concerns. This procedure tells you how.

You don't need to be an employee of HF Mencap to raise your concern. You could be a relief worker or a volunteer. If you raise a concern about something you consider to be poor practice, it will be treated seriously. An appropriate independent person will properly investigate it. Do not wait until some time afterwards, to tell us about your concern. It is easier to deal with it if you tell us as soon as possible.

Disclosure should be made in "good faith", in other words, out of a real concern about wrongdoing. Making false accusations for ulterior motives is not whistleblowing. The whistle blower should reasonably believe the information is true, even if it later turns out to be incorrect. Whistle blowing is not the same as a worker raising a grievance relating to them as an individual, on which see HF Mencap's Grievance Procedure. A whistle blower will not generally have any direct personal interest in the outcome of any investigation into their concern.

1. Aims

- HF Mencap is committed to being accountable in all its activities to help maintain best practice and continually grow and develop for the benefit of our clients and staff.
- We aim to encourage genuine whistle blowing and will do everything possible to protect any whistleblower's identity.
- We will investigate all accusations fully and report the actions we intend to take back to the whistleblower.
- To this end, we will ensure that a member of staff with a genuine concern can raise the matter and be confident that it will be dealt with in a proper and appropriate way.

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- HF Mencap seeks to reassure staff that genuine concerns, made in good faith, can be raised without fear of victimisation, subsequent discrimination and disadvantage.

2. Definition

1. What is whistleblowing?

A whistle blower is a person that raises the concern so that others can address it.

Examples of concerns include: fraud or other irregular financial dealings, child abuse or abuse of vulnerable person or neglect, bullying or mistreatment of employees, volunteers or service users, health and safety at work, or any failure to comply with a legal obligation.

3. Examples of what should you look out for?

You should look out for service users who are clearly unhappy and you suspect or witness one of the following:

- Physical or emotional abuse or neglect.
- Abuse of power, position or authority.
- Recognised duties or good practice being ignored.
- Failure to act when action is required.
- Bullying of any kind.
- Institutional practices which fail to give service users choice, dignity and rights.

You should also look out for:

- Financial mismanagement.
- Theft or fraud.
- Conduct which you believe to be against the law.
- Acts which have led or would lead to a miscarriage of justice occurring.
- Actions which are or could be dangerous to the health and safety of others.

4. Responsibilities

4.1 Managers

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- To create an open, transparent and safe working environment, creating a culture where staff feel able to speak up.

4.2 All Employees

- To follow this procedure and report concerns to help ensure the safety and wellbeing of clients and colleagues.

5. Related legislation and helpful guidance

- WHISTLEBLOWING- Guidance for Employers and Code of Practice, the Department for business innovation and skills, MARCH 2015 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf)
- Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998).

6. How the matter will be handled

Once you have told HF Mencap about your concern, it will be looked into quickly to decide what should be done. A formal written response will be sent to you, where possible within 10 working days, summarising your concern and explaining:

- how HF Mencap is handling the matter or proposes to handle the matter;
- who is handling the matter;
- how you can contact them;
- how long an investigation is likely to take; and
- whether you will need to be involved further.

Relevant specialists will be involved as needed. For example, it may be appropriate to involve the person responsible for Health and Safety or the finance team, depending on the complaint made. Sometimes, a person outside of HF Mencap may be the best person to do the investigation, so that we can make sure it is independent and fair.

Support will be provided to you if needed. You will be asked how HF Mencap might best support you. For example, you may need support to explain your concern, or to understand the procedure.

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You may be asked how you think the matter might best be sorted out. Whilst the purpose of this policy is to investigate possible poor practice and to take appropriate steps to deal with it, you will be given as much feedback as possible. You will be told whether evidence was found to support your concerns. You will not be told about any disciplinary action that may result against any individual, since this will be confidential to that individual.

If you have any personal interest in the matter, such as being a relative or close friend of one of the people involved in the matter, you must say this at the beginning of the investigation.

You must also say if you have personally been involved in the matter causing concern. For example, someone could have taken part in an accepted culture of abusive and disrespectful language to service users in a workplace, even if they were uncomfortable to do so. In such a case it is in your interests to tell the manager handling the matter as soon as possible. It is possible that HF Mencap may still feel it is necessary to consider some disciplinary penalty for your involvement in the matter, but the fact that you have wanted to do something about it will be taken into account.

7. Additional information

7.1 Anonymity

It may be possible for the concerns you report to be investigated without your name being mentioned, particularly if the behaviour you are reporting can be dealt with through supervision and training.

However, it can be very difficult to follow up concerns officially on anonymous information alone. We may be limited in what we can do. Anonymity could mean that the person you are reporting continues with their inappropriate behaviour, or worse.

7.2 Dishonest allegations

Please be aware that making allegations that are malicious or dishonest, or which prevent another employee from raising a legitimate concern about alleged poor practice will place you in breach of HF Mencap's disciplinary procedure.

7.3 Monitoring

HF Mencap will maintain a record of concerns raised and the outcomes (in a form which will not endanger confidentiality) and will report as necessary to the Board of Trustees.

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7.4 Legal protection for whistleblowers

Public interest disclosure (whistleblowing) legislation gives protection to employees against unfair dismissal and being subjected to any other detriment by an employer in respect of “qualifying disclosures” (whistleblowing allegations).

7.5 Independent Advice

If you would like independent advice in relation to whistleblowing, you may wish to contact the independent charity, Public Concern at Work, see www.pcaw.co.uk. Their helpline number is 0207404 6609.

Procedure for Raising a Concern

How to raise a concern

You are expected to make all reasonable efforts to raise your concern internally, before considering going outside of HF Mencap.

Step 1

Raise your concern with your immediate line manager. Make sure that you write down what you have witnessed.

Step 2

If you feel your concern has not been addressed at step 1, or if you feel you can't raise your concern directly with your manager at step 1, you can raise your concern with the next level manager, or a senior manager or Chief Executive officer

Step 3

If you have taken either or both of steps 1 and 2 above and you still have concerns, or if the matter is so serious that you feel you cannot follow steps 1 or 2, you may wish to contact the chairperson or one of the members of HF Mencap Board of Trustees.

It is recommended that any written correspondence should be marked, 'Personal. To be opened by the addressee only'.

Further steps

If you are not satisfied with the way your concerns are followed up within HF Mencap, there are further steps you may want to take. It may be appropriate to raise your concern to outside bodies, such as the Care Standards Commission, the

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Charity Commission, the Health and Safety Executive or the Data Protection Registrar.

An appropriate route to raise a concern externally does NOT include 'leaking' or giving information to the press.

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