Outcomes First Group

Whistleblowing Policy and Procedure

Outcomes First Group

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1. INTRODUCTION

1.1 Outcomes First Group is committed to conducting its business with honesty and integrity. Within this, the organisation has expectations that all colleagues maintain high standards.

1.2 Outcomes First Group encourages open communication from all those who work for the Group and aims to ensure everyone feels secure about raising concerns.

1.3 This guidance applies to all colleagues, officers, consultants, contractors of the Group and to other workers within the Group including agency workers and bank workers.

1.4 This Policy does not form part of any contract of employment, and it may be amended at any time.

1.5 **Implementation**: It is the responsibility of line managers to ensure that all individuals are aware of and understand this policy and any subsequent revisions.

2. DEFINITIONS

Word / Term	Descriptor
Whistleblowing	The reporting of suspected malpractice, wrongdoing or dangers in relation to the Group's activities
Safeguarding	Protecting the health, wellbeing of the children, young people and vulnerable adults in our care, from risks. Enabling them to live safely, free from abuse and neglect

3. PURPOSE

3.1 It is imperative to the business that any fraud, misconduct or wrongdoing by workers/colleagues or officers of the Company is reported and properly dealt with. The Company therefore encourages all individuals to raise any concerns which they may have about the conduct of others in the business or the way in which the business is run.

3.2 This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

3.3 It is important to ensure that any management action taken is fair and consistent and in keeping with the Outcomes First Group's Equality Policy and practices. Therefore, the policy, procedures and processes identified within this document are applied to all irrespective of age, ethnicity, gender, marital or civil partnership status, nationality, offending history, race, disability, religion or belief, sexual orientation, social status, trade union membership or working patterns.

4. RESPONSIBILITES

4.1 You have protection under whistleblowing laws if you raise concerns in the correct way. This policy is designed to give you that opportunity and protection. We want to encourage individuals to report suspected wrongdoing as soon as possible and have put this process in place to facilitate the reporting of any concern.

4.2 It does not matter if you are mistaken about a concern you raise; you do not have to prove anything about the allegation you are making but you must reasonably believe that the disclosure is made in the public interest and that the information you have tends to show some wrongdoing.

5. WRONGOING AND MALPRACTICE COVERED BY THIS POLICY

5.1 This policy should be used to report any suspected safeguarding wrongdoing or where you believe any information or activity is deemed illegal, immoral, illicit, unsafe, fraudulent or abusive. The Group takes its safeguarding obligations very seriously, whether relating to an individual's actions or organisational culture or practice. However, you should be aware the current safeguarding policy also provides a mechanism for reporting safeguarding concerns.

5.2 The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers/colleagues who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker/colleague who has a reasonable belief that the following is being, has been, or is likely to be, committed:

- Criminal offences (except those in relation to bribery and corruption, which should be reported using the procedure set out in the Anti-Bribery and Corruption Policy);
- Failure to comply with any legal obligation.
- Miscarriages of justice
- Danger to the health and safety of any individual
- Conduct likely to damage the reputation of 'the company'.
- Damage to the environment

- Breach of any legal or professional obligation (except in relation to bribery and corruption, which should be reported using the procedure set out in the Group's Anti-Bribery and Corruption Policy)
- Any past, present or future disclosures of Sexual Harassment
- Deliberately concealing any of the above

The Employment Rights Bill, an amendment to the Employment Rights Act 1996, has extended whistle blower protection to those disclosing concerns of Sexual Harassment. The bill provides clarity that a Sexual Harassment claim can be pursued as whistleblowing claim as well as a stand alone claim under the Equality Act 2010.

6. WHEN TO USE THIS POLICY

6.1 There is a difference between whistleblowing and raising a grievance:

- Whistleblowing is where an individual has a concern about a danger or illegal practice that has a public interest aspect to it, for example because it threatens customers, third parties or the public generally.
- A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.

6.2 This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should use the Group Grievance policy and procedure instead.

7. OUR GUARANTEE

7.1 We are committed to the principles set out in this policy. If you use this policy to raise a concern about the kinds of wrongdoing described above (we acknowledge this list is not exhaustive) we assure you that you will not suffer any form of retribution or detrimental treatment. We will treat your concern seriously and act according to this policy.

We do hope that you will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

7.2 We recognise that, in some circumstances, you may wish to discuss concerns relating to the kinds of wrongdoing covered by this policy on an informal basis in the first instance. If you choose to raise concerns informally, you

acknowledge that we may not follow the procedure detailed in heading responding to concerns raised formally, on page 7. However, those who raise concerns informally are still protected in accordance with page 4/5 of this policy.

8. PROCEDURE FOR RAISNING A CONCERN FORMALLY

8.1 If you would like your concerns to be addressed formally under this procedure, you should normally raise the issue with your line manager.

8.2 If you feel you cannot tell your line manager, for whatever reason, you should raise the issue with the Managing Director for the appropriate service (Acorn, Options, Momenta or a Senior Leader in Central Services), or raise directly to HR and/or safeguarding.

8.3 If you have raised concerns to any of these named above and are still concerned, or you feel you cannot discuss it with either of these for any reason, you should raise the matter with an Executive Director.

8.4 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing as this will help us to ensure that we can deal with the concern appropriately under this policy.

8.5 We have a whistleblowing report form to use for this purpose, which can be found at the end of this policy. If you choose to raise a concern by telephone or in person, you must state that you would like the matter to be treated as a formal concern under this Whistleblowing policy. If you do not make this clear, then we may address the concern informally.

8.6 Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide the following information as a minimum:

- the nature of the concern and why you believe it to be true; and
- the background and history of the concern (giving relevant dates where possible).

8.7 If you are not comfortable reporting your concern to any of the above-mentioned individuals, you can always make a report via Safecall (our external Speak Up hotline) which is available around the clock, every day of the year. Safecall provide an independent confidential reporting hotline where you can raise your concerns and be assured, they will be fully addressed. Reports are handled by skilled staff and will be treated in complete confidence. Your report will be sent to the HR Team at hroperationsadvice@ofgl.co.uk. Safecall will not disclose your name to anyone at 'the Group' if you wish to remain anonymous.

8.8 You can contact Safecall at any time on the following Freephone number: 0800 915 1571.

8.9 Alternatively, Safecall can be contacted via visiting the web and typing in www.safecall.co.uk/report or www.safecall.co.uk/telephone-numbers.

9. RESPONDING TO CONCERNS RAISED FORMALLY

9.1 We are committed to ensuring that all concerns will be dealt with appropriately, consistently, fairly and professionally.

9.2 When a concern is raised formally in accordance with this policy, we will arrange a meeting as soon as reasonably practicable to discuss the concern raised. You may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.

9.3 The concern raised will be recorded in the Group's central Whistleblowing Report Register.

9.4 After the meeting, we will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. We will endeavour to complete investigations within a reasonable time.

9.5 We will seek to keep you informed of the progress of the investigation carried out and when it is completed giving an indication of timings for any actions or next steps that we will take, but we will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.

10. CONFIDENTIALITY

10.1 All concerns raised will, so far as reasonably practicable, be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

10.2 Although a concern may be made anonymously, we encourage you to put your name to your concerns whenever possible. If this is not done, it will be much more difficult for us to protect your position or to give feedback on the outcome of investigations.

10.3 Concerns that are expressed completely anonymously are much less powerful and are difficult to investigate. We will consider them at our discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

11. RAISING CONCERNS EXTERNALLY (EXCEPTIONAL CASES)

11.1 The main purpose of this policy is to give you the opportunity and protection you need to raise concerns internally. We would expect that in almost all cases raising concerns internally would be the most appropriate course of action.

11.2 We strongly encourage you to seek appropriate advice before reporting a concern to anyone external to the business. While in some rare circumstances it may be appropriate for you to report your concerns to an external body such as a regulator, it will very rarely if ever be appropriate to alert the media. It should be borne in mind that media organisations have their own commercial interests to pursue and are not the appropriate bodies for resolving regulatory concerns.

11.3 However, if for whatever reason, you feel you cannot raise your concerns internally and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator or professional body. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Public Concern at Work and on the GOV.UK website at: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribedpeopleand-bodies--2 .

12. PROTECTION AND SUPPORT FOR THISE RAISING CONCERNS

12.1 We are committed to good practice and high standards and being supportive to colleagues who raise genuine concerns under this policy, even if they turn out to be mistaken.

12.2 Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If you believe that you have suffered such treatment, you should inform the HR Director immediately or report the matter via Safecall. If the matter is not dealt with to your satisfaction, you should raise it formally using the Grievance Procedure.

12.3 You must not threaten or retaliate against an individual who has raised a concern, and we will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action.

12.4 However, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest may be liable to disciplinary action.

13. APPENDIX ONE: WHISTLEBLOWING REPORT FORM

Which service does your concern relate to (if applicable)	□ Education and Residential – Child □ Education and Residential – Adult □ Central Services

What type(s) of wrongdoing do you wish to report (please tick)?	□ A criminal offence □ A miscarriage of justice □ Danger to the health and safety of any individual. □ Damage to the environment □ Breach of any legal or professional obligation. □ Past, present or future disclosures of Sexual Harassment □ Deliberately concealing any of the above. □ Other

Where has the wrongdoing occurred (e.g. name of school or residential facility or head office)?	
When did the wrongdoing occur (please give date(s))?	
Do you have direct knowledge of the matter being reported? If no, how did you become aware of it?	Yes/No
Do you know if anyone else is aware of the matter being reported? If yes, please identify them and detail how they became aware.	Yes/No
Does the matter being reported affect you or your work? If yes, please describe how.	Yes/No

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