

WHISTLE BLOWING POLICY

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1. REVISION/REVIEW SHEET

Issue	Brief Description of Reason for Change	Document Owner	Date Issued
2	Change in job title	Delyth Williams	01.08.14
3	General review and update	Delyth Williams	03.06.18
4	Update name change of CSSIW to Care Inspectorate Wales	Delyth Williams	10.10.20

2. PURPOSE

The Whistle blowing Policy aims to;

- encourage employees and Board members to feel confident in raising serious concerns and to question and act upon concerns about practice,
- provide an avenue for employees and Board members to raise concerns and receive feedback on any action taken,
- allow employees and Board members to take the matter further if they are dissatisfied with the organisation's response; and
- reassure employees and Board members that they will be protected from reprisals or victimisation for whistle-blowing in good faith.

3. SCOPE

Adra is committed to the highest possible standards of governance, openness, honesty, transparency and accountability. We encourage employees, Board members and others with serious concerns about any aspect of Adra's business to come forward and voice those concerns. The Whistle blowing Policy is intended to encourage and enable Adra employees, Board members and employees of companies and other organisations providing goods and services to Adra to raise serious concerns within Adra, rather than overlooking a problem or communicating the information to external sources in the first instance. It is recognised that most cases will need to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong within Adra. However, they may not want to speak up about concerns because they feel it would be disloyal to their colleagues or to Adra. They may also believe they may be victimised or harassed. They may feel that it is easier to ignore the concern rather than report it, especially if it is only a suspicion that something may be happening.

This Whistle blowing Policy is intended to encourage and enable employees to raise serious concerns within Adra rather than overlooking a problem or 'blowing the whistle' outside, and that they can do so without fear of victimisation, discrimination or disadvantage.

Adra expects employees and Board members to use this procedure and to feel confident that if they are genuinely concerned about a matter they raise, they will be dealt with fairly and sensitively. It is important that the procedure is used and that concerns are raised internally within Adra in the first instance, although the policy does allow for concerns to be raised with designated persons outside the organisation in exceptional circumstances.

If the matter is reported outside, for example to the media, without justifiable reason and without having first used this procedure, Adra reserves the right to take action to protect its own interests, for example to prevent the disclosure of confidential information which is damaging to its reputation or against the public interest.

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Nothing in this policy however takes away the rights of an individual, which are provided for in the Public Interest Disclosure Act 1998. The Act itself directs workers towards raising the matter internally in the first place and where there is an internal “whistleblowing” procedure such as this, to use it.

The policy applies to all employees as well as those contractors working for Adra, for example, temporary and agency staff, builders and consultants. It also covers suppliers and those providing services under a contract for Adra.

The policy also applies to Board Members. Should a Board member have concerns, they should be raised in line with this policy – this policy should also be read in conjunction with the Board member Code of Conduct.

This policy is in addition to Adra’s complaints’ and grievance procedures.

4. RESPONSIBILITIES

It is the responsibility of all employees, Board members and contactors to work within this policy. The Monitoring Officer (Company Secretary) has overall responsibility for the maintenance and operation of this policy.

This Policy shall apply to **Adra (Tai) Cyf** (the Parent) and any of its subsidiaries (including **Medra Cyf**)

5. POLICY DETAIL

This policy is intended to cover any major concerns that someone may have that fall outside the scope of existing internal procedures. These concerns include:

- a criminal offence has been committed, or is being committed or is likely to be committed;
- suspected fraud;
- a breach of the Adra Code of Conduct or Board member Code of Conduct;
- showing undue favour over a contractual matter or to a job applicant;
- malpractice or ill treatment of a client/customer by a member of staff;
- repeated ill treatment of a client/customer, despite a complaint being made;
- disregard for legislation, particularly in relation to health and safety at work;
- that the environment has been or is likely to be damaged;
- breach of Financial Regulations or Standing Orders;
- that information on any of the above has been, is being or is likely to be, concealed;

Note: this list is not exhaustive

Under the policy, any serious concerns that an employee, contractor or Board member may have about any aspect of the services we provide or the conduct of Adra employees or Board members (or anyone acting on behalf of Adra) can be reported under the Whistle blowing Policy.

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This may be something that:

- makes an employee or Board member feel uncomfortable in that it constitutes a breach of accepted standards of conduct, their own experience of the standards they believe Adra subscribes to; or
- is against our Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

Adra recognises employees may wish to seek advice and be represented by their Trade Union Representative when using the provisions of this policy and acknowledges and endorses the role Trade Union Representatives play in this area.

Adra has a range of policies and procedures, which deal with standards of behaviour at work; they cover Code of Conduct, Discipline, Grievance, Complaints etc. Employees are encouraged to use the provisions of these procedures when appropriate. However, this policy does not replace Adra's complaints' procedure.

Safeguards

Harassment or Victimisation

Adra is committed to good practice and high standards and wants to be supportive of its employees.

Adra recognises that deciding whether or not to report a concern can be very difficult. If the employee believes that what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom Adra are providing a service.

Adra will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the employee.

Furthermore, an employee has protection under the law through the Public Interest Disclosure Act 1998 (PIDA), and in certain circumstances can take a complaint to an Employment Tribunal if they are treated unfairly at work as a result of a serious disclosure made in good faith.

However, disclosures that are malicious or knowingly untrue are not protected under PIDA.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Adra will do its best to protect your identity when they raise a concern and do not want your name to be disclosed. In other words, we will not reveal your name or position without your permission or unless we have to do so by law. We would explain this at the time you raise a concern, so you can decide whether or not to proceed.

It should be appreciated, however, that if an investigation is conducted as a result of whistle blowing, the investigation may reveal the source of the information and a statement by the employee may be required as part of the evidence.

Anonymous Allegations

This policy encourages employees to put your name to your allegation whenever possible

Concerns expressed anonymously are much less powerful but will be considered at the discretion of Adra.

In exercising this discretion, the factors to be taken into account would include:

- The seriousness of issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegations from attributable sources.

Unproven/Untrue Allegations

If an employee makes an allegation in good faith, which cannot be confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary rules and procedures will be used.

How to Raise a Concern

Although employees or Board members are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a work colleague or a relevant person first (Board members may wish to discuss with another Board member) and they may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns.

You may invite a Trade Union representative, work colleague or other Board member to be present during any meetings or interviews in connection with the concerns you have raised.

The earlier employees or Board members express their concern the easier it is to take action.

As a first step, employees should normally raise concerns with your immediate manager or their senior manager. This depends, however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that their line management is involved, they should approach one of the Designated Officers. (See Appendix 1)

Where concerns are not raised with the line manager, the Designated Officer will be the first point of contact for employees who wish to raise concerns under the provisions of this policy.

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Where concerns are raised, whether in writing or otherwise, the Designated Officer will arrange an initial interview, which will be confidential, to ascertain the area of concern. At this stage the employee will be asked if they wish their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. They will also be asked whether they wish to make a formal statement. In either case, the Designated Officer will write a brief summary of the interview, which will be agreed by both parties.

The Designated Officer will report to the Chief Executive who will be responsible for the commission of any further investigation. If, exceptionally, the concern involves the Chief Executive this report will be made to the Chair of the Board who will decide how the investigation will proceed. This may include an external investigation.

Board members should raise a concern with the Chair of the Board, if a concern involves the Chair of Board, the matter should be referred to the Designated Officer.

How Adra Will Respond?

The Designated Officer will formally respond to the concerns in all cases.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the regulator
- be referred to another regulator, for example, Care Inspectorate Wales, because the matter falls within their regulatory remit
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry
- Take no further action because, for example, there might not be enough evidence for us to proceed upon, or Adra may have been assured that we have dealt with the matter appropriately or consider the matter to be vexatious or frivolous.

In order to protect individuals and those accused of misdeeds or malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it is to take. The overriding principle, which Adra will have in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example child protection or discrimination issues) will normally be referred for consideration under those procedures.

Within ten working days of a concern being raised, the Designated Officer will write to you:

- Acknowledging that the concern has been received
- Indicating how the matter should be dealt with
- Giving an example of how long it will take to give a final response

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- Stating whether any initial enquiries have been made, and
- Stating whether any further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and yourself will depend on the nature of the matter raised, the potential difficulties involved and how clear the information provided is. If necessary Adra will ask for further information from the employee or Board member.

Where any meeting is arranged (this can be off-site) employees or Board members can be accompanied by a representative or a colleague.

Adra will take steps to help as much as possible to minimise any difficulties, which may be experienced as a result of raising a concern. For example, if an employee or Board member is required to give evidence in criminal or disciplinary proceedings Adra will arrange for them to receive advice about the procedure.

Adra accepts that an employee or Board member needs to know that the matter has been properly addressed. Therefore, subject to legal constraints, Adra will inform them about the investigation and its outcome.

Monitoring Officer

The Monitoring Officer (Company Secretary) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a way which does not endanger your confidentiality) and will report as necessary to Adra.

How the Matter Can be Taken Further

This policy is intended to provide employees and Board members with an avenue within Adra to raise concerns. Adra hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside Adra, the following are possible contact points where you will be able to obtain advice about the protection given under the Public Interest Disclosure Act 1998:

- The Regulator
- The Auditors
- Trade Union
- relevant professional bodies or regulatory organisations i.e. Health and Safety Executive, Audit Commission and utility regulators
- a relevant voluntary organisation
- the police

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects "whistleblowers" from inappropriate treatment, i.e. victimisation or dismissal, for raising concerns about matters in the public interest.

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The Act also makes it clear that everyone employed by Adra must not reveal any commercially sensitive or confidential information they have access to during their employment unless what they reveal is linked to one of the issues of concern covered by the Whistle blowing policy.

6. REVIEW

In order to continually develop good practice Adra will review this policy every 3 years unless there is a change in legislation.

APPENDIX 1

Designated Officer

Under normal circumstances the designated officer for the purpose of this policy is the Company Secretary. However, if the above named officer is implicated in any way in the concern that you wish to raise, then your concern should be directed to the Assistant Director - People Service. If the Assistant Director – People Services has been involved, your concern should be raised with the Chief Executive. Should your concern relate to a Director or Chief Executive, you should raise your concern with the Chair of the Board.