

## WHISTLEBLOWING POLICY AND PROCEDURES

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## **1.0 Whistleblowing Policy Statement**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing, where it is in the public interest to do so.

Korban seeks to conduct all of our activities honestly, safely, and with integrity. We take seriously all legitimate concerns of malpractice raised in good faith and ensure that they are fairly investigated, and that appropriate action is taken, where necessary.

We will promote awareness of this policy and encourage all staff to raise any concerns without waiting for, or attempting to find, proof, and without fear of reprisals, even if they turn out to be mistaken.

Korban fully comply with all provisions of The Public Interest Disclosure Act 1998, which provides protection for employees who report concerns where they suspect wrongdoing, where the interests of others or the organisation itself are at risk and it is in the public interest. The provisions of the Act protect employees from being subjected to detrimental treatment or victimisation from their employer, where they report concerns that meet the conditions in the Act for a 'protected disclosure'.

The Public Interest Disclosure Act 1998 does not apply to:

- Genuinely self-employed professionals.
- Volunteers, including Trustees.

Concerns covered under this policy include, but are not limited to:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

Concerns may be about something that has occurred, is currently occurring or may occur.

All staff who may deal with concerns or investigations under this policy will receive regular and appropriate training.

## **2.0 Application and Scope**

This Whistleblowing Policy and Procedure applies to all Korban employees, including locums, agency workers, students, trainees, contractors, volunteers, and Trustees.

The Whistleblowing Procedures outline how to raise concerns at an early stage internally. Encouraging staff to do so in the knowledge that concerns will be taken seriously, investigated appropriately, and that confidentiality will be respected.

This policy does not apply in the following circumstances whereby the relevant Human Resources policies must be followed, except where the concern is of public interest:

- Personal grievances in relation to employment matters
- Complaints regarding individual bullying, harassment, or discrimination
- Disciplinary matters.

If a client or resident has a concern about Korban, this should be raised with the Chief Executive or through our Complaints, Comments and Compliments Policy and Procedure.

### **3.0 Legislation and Compliance**

Korban will comply with all legal and regulatory requirements, including but not limited to:

- The Public Interest Disclosure Act 1998 (inserted into the Employment Rights Act 1996)
- The Enterprise and Regulatory Reform Act 2013
- The Equality Act 2010

The Enterprise and Regulatory reform Act 2013 introduced a requirement that disclosures made about an organisation should show how the whistle-blower believes the disclosure is in the public interest.

## **4.0 Korban's commitment to you**

### **4.1 Your safety**

The Board and Chief Executive of Korban are committed to this policy which is founded on the Public Interest Disclosure Act 1998. If you raise a concern under this policy, you will not suffer any detrimental treatment as a result, including dismissal, disciplinary action, threats, or other unfavourable treatment as a result.

If you suspect you are being bullied, harassed, or victimised as a result of raising your concern, you should inform your line manager or the manager investigating your concern immediately.

Provided you are raising a concern in good faith, it does not matter if you are mistaken. Of course, Korban does not extend this assurance to someone who maliciously raises a matter they know is untrue, doing so may also result in disciplinary action being taken.

### **4.2 Your confidence**

Korban will not tolerate the harassment or victimisation of anyone raising a genuine concern.

Korban recognises that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, it will not be disclosed without your consent. However, if the situation arises where Korban is unable to resolve the concern without revealing your identity (for instance because your evidence is needed in court or during a disciplinary process), we will discuss with you whether and how we can proceed.

While Korban will investigate anonymous reports, we do not encourage staff to make disclosures anonymously. Anonymous disclosures may limit our ability to investigate the matter, to ask follow-up questions, to protect your position, and to give you feedback. If you are concerned about possible reprisals, you should come forward to your line manager and appropriate measures can then be taken to preserve confidentiality.

## **5.0 Procedures**

### **5.1 How to raise a concern internally**

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or their manager where appropriate. This may be done verbally or in writing. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential so that appropriate arrangements can be made.

If the matter is more serious, or you feel unable to raise the matter with your manager or their manager, for whatever reason, please raise the matter with the Chair of Trustees, Tony Bushell (In writing – marked CONFIDENTIAL).

### **5.2 How we will handle the matter**

Once you have shared your concern, we will arrange a meeting with you as soon as possible to discuss how you feel the matter might best be resolved, and any conflicts of interest you might have. Any conflict of Interest should be revealed at the outset.

An initial assessment will be made to see what, if any, action should be taken either informally or formally. You will be told who is handling the matter, how you can contact them and whether your further assistance may be needed. If requested, we will write to you summarising your concern and setting out how we propose to handle it.

Before commencing any investigation, the manager must contact the Chair of Trustees, Tony Bushell, if the concern involves safeguarding or fraud. If your concern falls more properly within Korban's Grievance, or other, Procedure we will inform you.

All parties involved in investigations are required to maintain confidentiality throughout the process and are entitled to be accompanied by a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

Support is available for all parties involved in these investigations from their line manager.

Whilst the purpose of this procedure is to provide an internal mechanism for reporting, investigating, and remedying any possible malpractice in the workplace, we will give you as much feedback as we properly can.

If requested, Korban will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we have taken where this would infringe a duty of confidence owed by us to someone else or if there is a conflict of interest.

If an investigation under this procedure concludes that a disclosure has been made maliciously, is vexatious, in bad faith or with a view to personal gain, the whistle-blower may be subject to disciplinary action. Those choosing to make a disclosure without following this procedure or anonymously may not receive the protection outlined in section 3.

Korban may notify external regulators such as the Charity Commission, depending upon the individual circumstances of a disclosure.

### **5.3 If you are dissatisfied**

If you are unhappy with our response, you can go to a manager at the next level in this procedure, or the board of trustees. The manager at the next level would then meet with you to clarify the points of your dissatisfaction, review the original investigation and findings, and carry out further investigation as required before responding to your concern.

Should the response from this manager leave you still dissatisfied you may choose to approach Protect (formerly Public Concern at Work) or if applicable your union.

While Korban cannot guarantee that the response to matters raised will be the way that you might wish, Korban will try to handle the matter fairly and properly. By using this procedure, you will help us to achieve this.

### **5.4 Raising a concern externally**

Korban hopes this policy gives you the reassurance you need to raise concerns internally, however in very serious circumstances, or following the outcome of an investigation where you are dissatisfied, we recognise that 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. We strongly encourage you to seek advice before reporting a concern to anyone external.

The Government has a full list of 'Prescribed Persons and bodies' for such external reporting: for example, the Environment Agency and the Health and Safety Executive. The independent charity, Protect (formerly Public Concern at Work), operates a confidential helpline and can be contacted by telephone on 020 7404 6609 and by e-mail at [whistle@protectadvice.org.uk](mailto:whistle@protectadvice.org.uk).

### **5.5 Independent advice**

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your union; or the independent charity Protect (formerly Public Concern at Work) [www.pcaw.org.uk](http://www.pcaw.org.uk) tel: 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about malpractice at work.

### **5.6 Trustees**

If a Trustee is concerned about malpractice they should raise this with the Chair of Trustees.

Trustees have specific responsibilities to report serious incidents to the Charity Commission – further details of this can be found at <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>.

## **6.0 Monitoring and Review**

Reports of whistleblowing and the effectiveness of actions taken in response to concerns raised under this policy will be reported to and monitored at Trustees meetings.

Serious disclosures of Fraud, or where there is a reputational risk, will be reported to the Chair of Trustees within 48 hours of receipt.

## **7.0 Related Policies**

- Safeguarding Children and Adults at Risk
- Conflict of Interest
- Disciplinary
- Grievance
- Volunteering
- Equality, Diversity and Inclusion
- Complaints, Compliments and Comments.

## **8.0 Continuous Improvement Renewal Clause**

This Policy and Procedures will be reviewed every 3 years from the date of issue to determine its continued relevance, effectiveness, and appropriateness. This Policy and Procedures may be assessed before that time as necessary to reflect substantial organisational changes, following an inspection, review or validation visit, or as recommended by auditors, changes required by law, or changes required by Korban Governance structures. The next review will take place in early 2025.