

Policy Name: Whistleblowing	
Version	3
Date when last reviewed	June 2024
Date when next review due	July 2027
Author	Jon Gladstone, based on MQM policy checklist
This policy is for:	Staff, Trustees, volunteers and any agency/self employed workers
Date ratified by the Board	July 24
Policy implementation (Explains how relevant parties will be made aware of and have access to the policy. For example, induction, training (and refresh), shared drive (Sharepoint/Drop Box/etc).	This policy will be covered in Induction training and is available on SharePoint
Related policies and procedures	Compliments, Comments and Complaints, Confidentiality, Conflict of Interests, Data Protection, Equality and Diversity, Financial Procedures, Health and Safety, IT Security, Lone Working, DBS Checking Procedure Managing Positive Disclosures, Safeguarding (Adults and CYP). Trustee Recruitment and Induction, Volunteer

Change History

Version	Changed by	Change Summary	Date
3	Jon Gladstone	Placed onto new policy template, legislation now listed in section 1, updated the outside independent service to Safecall	June 2024

Equality Impact Assessment		
Who does the policy affect?	Staff, Volunteers, Trustees, contracted third parties	
	Positive or Yes	Negative or No
Will the policy have a positive or negative impact on discrimination, equality of opportunity or relations between groups?	Positive	
Is the communication of the policy accessible to all groups?	Yes	
Do the procedures and behaviours outlined in this policy proactively address the inclusion of marginalised or excluded groups?	Yes	
Will there be a positive benefit to the users or workforce as a result of the proposed policy?	Yes	
Were the relevant groups (i.e. staff, volunteers, those with lived experience) involved in the development and review of the policy?	Staff and Trustees thru Policy Group	
Detail any other consideration specific to this policy		

Environmental Impact Assessment			
Who does the policy affect?	Staff, Volunteers, Trustees, Contracted third parties.		
	Yes	N/A	No
Does the policy encourage use of climate friendly travel i.e. public transport, car sharing?		n/a	
Does the policy consider the environmental impact where considering suppliers, products, digital footprint, printing documents linked to the implementation of this policy?	Yes		
Does the policy recommend monitoring and measuring the activities to understand the environmental impact where appropriate i.e. carbon footprint	Yes		
Should the policy make specific reference to the Environmental Policy?	Yes		
Does the policy require a more detailed Environmental Impact Assessment?		No	

Managers and staff will be encouraged to review and complete the paperwork digitally. The success of this will be monitored in line with the Environmental Policy.

1. Purpose and Scope

“Whistleblowing” has a very particular meaning, as it is covered by specific UK legislation (namely the Public Interest Disclosure Act 1998 (PIDA) and the Employment Rights Act 1996) which was introduced in response to a number of high profile disasters and scandals in which, after the event, it was revealed that employees had been aware of the dangers but were too scared to “blow the whistle”. The legislation provides “whistleblowers” with legal protection against being victimised, penalised and/or dismissed for whistleblowing when issues they are raising are in the public interest.

“Qualifying disclosures” are disclosures of information where the member of staff has reasonable grounds to suspect that one or more of the following types of wrongdoing is either happening, has taken place, or is likely to happen in the future (and disclosure is in the public interest). The types of qualifying disclosures covered by this legislation and protection are: criminal offences, failure to comply with a legal obligation, miscarriages of justice, threats to members of staff’s health and safety, damage to the environment, financial malpractice, financial impropriety or fraud, a deliberate attempt to cover up any of the above.

The purpose of this policy is to ensure that concerns about wrongdoing at Cornwall Mind are properly dealt with internally, without the need for external involvement. Cornwall Mind expects that the majority of such concerns are resolved internally using this procedure.

The Whistleblowing Policy and Procedure applies to anyone working or volunteering on behalf of Cornwall Mind.

All Cornwall Mind staff and volunteers are encouraged to provide credible information of serious wrongdoing or malpractice on the part of all employees, volunteers, trustees and suppliers via the usual communication channels (such as one-to-one meetings with line managers, team meetings, all-staff meetings, and staff surveys), the Grievance Procedure or, where appropriate based on the conditions outlined in this policy, via the Whistleblowing Procedure.

It is a fundamental term in the contract of employment at Cornwall Mind that staff must not disclose confidential information about Cornwall Mind’s business. However, if a member of staff discovers information about very specific circumstances of workplace malpractice that they feel is so fundamental to Cornwall Mind’s integrity that it needs to be raised immediately at a higher level and will require the disclosure of confidential information, then they should use this Whistleblowing Policy and Procedure.

This policy ensures fairness and transparency when investigating and dealing with a member of staff who raises a specific concern of workplace malpractice as a qualifying disclosure. This policy sets out the principles for handling whistleblowing issues and the procedures that will be used. These procedures follow the ACAS Code of Practice.

2. General Principles

This policy will be applied fairly, objectively and consistently to all staff and volunteers.

In deciding whether a concern about wrongdoing is covered by the Whistleblowing policy and therefore should be raised using this process, the member of staff should consider how another reasonable person would respond to the information available to him or her at that time which they suspect indicates wrongdoing.

Usually, the issue of workplace malpractice covered by a qualifying disclosure does not directly affect the person making the complaint personally and whistleblowing is, therefore, different from a normal grievance or complaint.

A concern regarding serious workplace malpractice should be supported by information to substantiate the concern that is being raised. Written notes should be made detailing the particular concerns and any supporting information that is available. However, it is not expected that the person raising a concern under this policy will undertake an investigation themselves in order to provide this evidence.

Mind works in partnership with an independent whistleblowing hotline service Safecall. Safecall is an accessible hotline which enables staff to voice concerns in a free and secure way. This ensures concerns are logged and handled in a professional manner and brought to the attention of Cornwall Mind as soon as is possible to enable prompt review and investigation by Cornwall Mind.

The following key principles will apply:

- Matters raised should be investigated thoroughly and dealt with promptly, without unreasonable delays and in a consistent manner.
- Confidentiality must be maintained by all parties, at all times throughout this procedure.
- If the member of staff requests that their identity remains confidential, this will be respected wherever possible. However, in some circumstances, confidentiality may compromise inquiries and if this is considered to be the case, the member of staff will be told the procedure will have to continue without retaining their anonymity.

- The member of staff against whom the complaint has been made should be informed as soon as possible and, if necessary, may be suspended on full pay whilst the investigation takes place. They will be informed of their right to be accompanied by a trade union official or member of staff at any investigation hearing held under these Whistleblowing Procedures.
- The outcome of the investigation should be reported back to the member of staff who raised the issue.
- No staff will be victimised for raising a matter under this procedure - victimisation of a member of staff for raising a qualified disclosure under the whistleblowing policy is a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, Cornwall Mind's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false whistleblowing allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If a member of staff is told not to raise or pursue any concern, even by someone in authority such as a manager, they should not agree to this and should report the matter to HR (RRADAR).

This policy does not cover concerns about a breach of a member of staff's own contract of employment. If a member of staff is concerned about this, they should use Cornwall Mind's Grievance policy.

3. Procedure for making disclosures

If you have any questions about this policy you should seek advice from Human Resources (RRADAR). RRADAR is the specialist litigation and commercial law firm that we are contracted to through our Mind insurance. Any query will be treated confidentially.

Your concern, and any evidence provided, should be given in writing to the Chief Executive, stating that you are raising a concern under the Whistleblowing Policy. If the matter personally involves the Chief Executive, it should be given to the Chair of the Trustees. Concerns raised formally under this policy should not be given to any other manager or member of staff as an alternative to the Chief Executive/ Chair of the Trustees.

If you would like to raise your concerns anonymously or more formally to Cornwall Mind, you can report your concerns to an independent service provided by Safecall. You can access Safecall via:

- Call Safecall 0800 9151571
- Report online www.safecall.co.uk/report

If you raise a concern regarding serious workplace malpractice you should support this with credible information to help illustrate or if possible substantiate the concern that you are raising. You should make written notes detailing the particular concerns and any evidence that is available. However, it is not expected you will undertake an investigation yourself in order to provide this information.

It will be established at the outset whether you have any personal interest in the matter and whether it falls more properly within the grievance or another procedure. Cornwall Mind will ensure that any staff member making a whistleblowing disclosure: will be provided with support during what can be a difficult time, will not have their position at work affected, will be given a copy of the summary of their disclosure from the meeting, be offered the opportunity to be accompanied by a colleague or union representative.

Allegations may be made anonymously; however these concerns are much less credible and much more difficult to investigate. Cornwall Mind will decide whether to investigate your allegation if it is anonymous and will take account of: the seriousness of the issues raised; the credibility of the concern; the likelihood of confirming the allegation from attributable sources.

If you request that your identity remains confidential, this will be respected. However, in some circumstances, confidentiality may compromise inquiries and if this is considered to be the case, you will be told the procedure will have to continue without retaining your anonymity.

The Chief Executive (or Chair of the Trustees) will ensure that serious allegations are investigated thoroughly by an appropriate member of staff. This will ordinarily be overseen by the Chief Executive. This investigation meeting will give you the opportunity to share your concern in detail and provide any supporting evidence. All discussions will be held in the strictest of confidence.

Due to the varied nature of these sorts of complaints, which may involve internal investigations and/or the police, it is not possible to give precise timescales for such investigations. The investigations will be undertaken as quickly as possible without affecting the quality and depth of those investigations.

The Chief Executive should, as soon as practically possible and within five working days, send a written acknowledgement of the concern to you and thereafter report back to you in writing the outcome of the investigation and the action that is proposed. Cornwall Mind will aim to

ensure investigations are completed within 20 working days. If the investigation is a prolonged one, the Chief Executive will keep you informed, in writing, as to the progress of the investigation and when it is likely to be concluded.

The Chief Executive will consider the involvement of the external auditors and the police at any stage during the investigation. If appropriate, a copy of the outcomes may be passed to Cornwall Mind's external auditors to enable a review of the procedures.

If there is evidence of criminal activity, then the Chief Executive (or Chair of the Trustees) will inform the police and/or other relevant authorities. Cornwall Mind will ensure that any internal investigation does not hinder a formal police investigation.

The Chief Executive will give a written report with their findings to the Chair of Trustees, who will then make the final decision concerning the concern and its validity and any internal or external action to be taken.

You will be notified of any action taken as soon as possible after the completion of the investigation. If the decision is that no action will be taken, the reason/s for this will be given to you. However, it may not be possible to provide all the details, for example where there are data protection or other sensitive issues.

While Cornwall Mind cannot guarantee that you will be satisfied with the response to your concern, its aim is to handle the matter fairly and properly and to reassure you that appropriate action has been taken. Unless new evidence comes to light, the decision of the Chief Executive (or Chair of the Trustees) will be final in terms of any internal action, which may include disciplinary action, to be taken.

Cornwall Mind may also choose to take civil action against an individual if appropriate.

If you have a whistleblowing concern raised against you, Cornwall Mind will inform you as soon as possible. If necessary, you may be suspended on full pay whilst the investigation takes place. You will be informed of your right to be accompanied by a trade union official or member of staff at any formal hearing held under these Whistleblowing Procedures.

Cornwall Mind will provide support after a disclosure has been made and investigation, such as mediation and dispute resolution, to help rebuild your trust and relationship in the workplace.

4 Referring the Concern to External Bodies

Before you consider voicing any concerns externally, you should be clear that the purpose of this policy is to ensure that concerns about Cornwall Mind are properly dealt with internally without the need for external involvement. Cornwall Mind expects that the majority of such concerns are resolved internally using this procedure.

You should not disclose concerns about serious workplace misconduct externally, either as an alternative to this procedure or following the outcome of an investigation into a whistleblowing complaint where there has been an internal decision to take a particular course of action.

The only circumstances in which individuals should only take external action are when they can reasonably suspect:

- a) that the alleged breach of conduct was so exceptionally serious as to justify bypassing internal procedures, for example: serious deliberate breaches of Health and Safety by Cornwall Mind should be reported to the Health and Safety Executive, Cornwall Mind wilfully contravening its status as a charity should be reported to the Charity Commission.
- b) that they reasonably suspected that relevant evidence would be concealed or destroyed by Cornwall Mind's staff (in which case this should be reported to the Chairman of Trustees or the Charity Commission).
- c) when this internal procedure is exhausted and an individual has reasonable grounds for suspecting that substantial evidence of serious misconduct has been ignored (in which case this should be reported to the Chairman of the Trustees or the Charity Commission or, in the case of criminal activity, to the police).

If it becomes necessary for the individual to externally disclose information under the Whistleblowing procedure, they should not involve or inform members of the press and media or use any form of social media and should only inform the relevant authority (e.g. Charity Commission, Health and Safety Executive, police).

The individual investigating the whistleblowing allegation should consider the involvement of the external auditors and/or the police at any stage during the investigation where relevant. If appropriate, a copy of the outcomes will be passed to Cornwall Mind's external auditors to enable a review of the procedures.

Independent advice concerning a serious malpractice at work can be obtained at any stage from the independent Protect Adviceline on 020 3117 2520 (<https://protect-advice.org.uk>). Their

lawyers can give free confidential advice at any stage and they can advise on the circumstances when it may be appropriate to contact an outside body.

5 Disciplinary Action

Good Faith.

If you make an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against you. In making a disclosure you should exercise due care to ensure the accuracy of the information

Victimisation.

If you are victimised for raising a legitimate concern within the scope of this Whistleblowing Procedure, or attempts are made to deter you from doing so, this will be regarded as a serious disciplinary offence and will result in action against the individual/s under the Disciplinary Policy and Procedures.

Action following an investigation.

When misconduct is found as a result of a whistleblowing investigation, disciplinary action will be taken against the individual/s involved in accordance with Cornwall Mind's Disciplinary Policy and Procedure. Civil or criminal action may also be taken.

Allegations not made in good faith.

If you act maliciously, frivolously or your allegations are manifestly untrue or you made them for personal gain, Cornwall Mind will take disciplinary action against you in accordance with Cornwall Mind's Disciplinary Policy and Procedure.

Failure to follow the whistleblowing process.

Failure to follow this policy and procedure - whether by disclosing information inappropriately internally or externally, or by not reporting evident misconduct - will be dealt with through the Disciplinary Procedure.

