

MRS Independent Living

WHISTLEBLOWING POLICY

Reviewed 29/2/2016

MRS Independent Living (MRS) is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Management Committee and staff.

This policy aims to help Management Committee members and staff to raise any serious concerns they may have about colleagues or their employer with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

It is written in the context of the Public Interest Disclosure Act 1998 which protects employees who 'blow the whistle' on malpractices within their organisation.

What types of concerns?

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a health and safety risk to an individual
- damage to the environment
- or concealment of the above.
- Examples of issues that might arise at Mobile Repair Service, and which would be covered by this policy, are:
 - Fraud, corruption or unauthorised use of MRS' money.
 - Mistreatment of service users
 - Breaches and abuses of MRS policies

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur.

However if an individual knowingly or maliciously makes an untrue allegation (e.g. in order to cause disruption to MRS), MRS will take appropriate disciplinary action against them. It may constitute gross misconduct.

In order to support this policy, it will be a subject of a disciplinary procedure if a member of staff:

- deters someone from using the whistleblowing procedure
- victimises or bullies anyone who uses the whistleblowing policy in good faith

- maliciously raises false concerns
- conceals or destroys information about wrongdoings.

Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

This policy does not deal with any complaints staff may have about their employment. This should be dealt with through MRS' Grievance Procedure.

Volunteers are not covered by the Public Interest Disclosure Act, but will nonetheless be protected from any ill-treatment resulting from raising a concern in good faith.

Service users should make complaints or raise concerns through the MRS Service Users' Complaints Procedure.

How to raise a concern in the workplace

Individuals should in most cases, first report their concern to their line manager, who is expected to respond to that matter. If the relevant manager cannot deal with the matter, the individual will refer the concern directly to the Chair of Trustees, or, in the event of their unavailability, another officer of the Management Committee. The best way to do this will generally be to send an email to trustees@mrsindependentliving.org, asking for confirmation of receipt: this will go directly to the email accounts of all current trustees. It is essential make it clear that they are doing this as part of the Whistleblowing Procedures.

Individuals are encouraged to raise their concerns in writing, where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns. Where disability or other reason means that this is not possible, they should try to do this on some kind of permanent media such as speaking on a CD or DVD.

Employees may wish to seek the assistance of their trade union representative before raising the concern. The trade union representative may, where the employee so desires, raise the concern on behalf of the employee. Employees may also invite a trade union representative or colleague to be present during any meetings or interviews about the concerns they have raised.

If any individual is unsure whether to use this procedure or they want independent advice at any stage, they should contact:

- their trade union (if applicable), or
- the legal helpline of the independent charity, Public Concern at Work, on 020 7404 6609, email: helpline@pcaw.co.uk. Public Concern at

Work will be able to advise on how and with whom to raise a concern about malpractice.

Disclosures made to a legal advisor in the course of obtaining legal advice will be protected under the Public Interest Disclosure Act.

If the individual reasonably believes that the matter relates wholly or mainly to the conduct of a person or body other than MRS or any other matter for which a person or body other than MRS has legal responsibility, the disclosure should be made to that other person or body.

Protecting the individual raising the concern

If an individual raises a concern which they believe to be true, MRS will take appropriate action to protect the individual from any harassment, victimisation or bullying. Employees who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.

The matter will be treated confidentially if the individual requests it and their name or position will not be revealed without their permission unless MRS has to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual's identity, the Trustee dealing with the matter will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the Trustee dealing with the matter will decide whether or not to consider the matter taking into account:

- the seriousness of the matter
- whether the concern is believable
- whether an investigation can be carried out based on the information provided.

How the Trustee will deal with the concern

How the concern will be dealt with will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by a member of the Management Committee, through the disciplinary process or it may be referred to the police, other agencies, an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

MRS will give the whistleblower feedback on the progress and outcome of any investigation wherever possible.

If the suspicions are not confirmed by an investigation, the matter will be closed. Staff will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected.