

AHCS Policy

Internal Complaints (Whistle-blowing) Policy

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Contents

1. Introduction	3
2. Scope of Policy	3
3. Safeguards	3
Protection	3
Confidentiality	4
Anonymous Allegations	4
Untrue Allegations	4
4. Procedures for Making a Disclosure	4
5. Timescales	5
6. Investigating Procedure	5

1. Introduction

The Academy for Healthcare Science (AHCS) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is the availability of a mechanism which enables staff and workers of AHCS to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation, this information should be able to be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done, independently of line management if necessary.

Legal protection for whistle-blowers was introduced by the Public Interest Disclosure Act in 1998. However, the legislation has been subject to serious scrutiny and wide interpretation by the Employment Tribunals. An increasing number of claimants sought to use it solely to get around length of service requirements and limits on compensation in unfair dismissal claims. Furthermore, case law highlighted the lack of protection for whistle-blowers who, because of making a protected disclosure, could be victimised and harassed by their colleagues, but not their employer.

Amendments introduced by the Enterprise and Regulatory Reform Act 2013 came into force in June 2013, to limit the abuses of the whistleblowing legislation by self-interested claimants but also to protect genuine whistle-blowers from abusive colleagues.

2. Scope of Policy

This policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by AHCS, nor will it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. When the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the AHCS.

The policy enables AHCS employees and workers to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. The policy is intended to cover concerns which are in the public interest and may, at least initially, be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud;
- Failure to comply with a legal obligation or Statutes;
- Dangers to Health & Safety or the environment;
- Criminal activity;
- Improper conduct or unethical behaviour;
- Attempts to conceal any of these issues.

3. Safeguards

Protection

The policy offers protection to AHCS employees who disclose such concerns provided the disclosure is made:

- In good faith;
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety; and
- The disclosure is made to an appropriate person (see below).

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about

Confidentiality

AHCS will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation can be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of AHCS.

In exercising this discretion, the factors to be considered will include:

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

Untrue Allegations

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

If, however, an individual makes malicious or vexatious allegations which are found to be untrue, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

4. Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint will be passed to the Chief Executive for referral.
- In the case of a complaint, which is in any way connected with but not against the Director, the Chief Executive will nominate a Senior Manager to act as the alternative investigating officer.
- Complaints against the Chief Executive will be passed to the Chairman who will nominate an appropriate investigating officer.

The complainant has the right to bypass the line management structure and take their complaint directly to the Chairman. The Chairman has the right to refer the complaint back to management if they feel that management, without any conflict of interest, can more appropriately investigate the complaint.

If there is evidence of criminal activity the investigating officer will inform the police. The AHCS will ensure that any internal investigation does not hinder a formal police investigation.

5. Timescales

Due to the varied nature of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer will ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer will, as soon as is practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer will keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant will be in writing and sent to their home address.

6. Investigating Procedure

The investigating officer will follow these steps:

- Full details and clarifications of the complaint will be obtained.
- The investigating officer will inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer will consider the involvement of AHCS auditors and the police at this stage and will consult with the Chairman / Chief Executive as appropriate.
- The allegations will be fully investigated by the investigating officer with the assistance, where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigation and reasons for the judgement. The report will be passed to the Chief Executive or Chairman as appropriate.

- The Chief Executive / Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
- The complainant will be kept informed of the progress of investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to AHCS auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Executive / Chairman, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, AHCS recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators) or, where justified, elsewhere.