

Whistleblowing Policy

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Introduction

The National Autistic Society believe in honesty and transparency and aim to conduct ourselves ethically and with integrity. We expect these same high standards from all individuals who are representing the National Autistic Society (NAS) at all levels of the organisation. We wish to ensure that individuals feel safe and enabled to report their concerns to us when they feel there is a concern to be addressed. We do however, recognise that we may not always get this right.

The Whistleblowing Policy has been developed to provide individuals with guidance and information to support them to raise a concern through the Whistleblowing Process.

Objectives of this policy

This policy is needed in order to:

- Provide an effective way for individuals to raise serious concerns.
- Ensure that individuals who use the whistleblowing process receive feedback on actions that have been taken as a result of the concern raised.
- Ensure that individuals who use the whistleblowing process are protected from reprisals and victimisation for having raised a concern.
- Signpost individuals to further options open to them the internal investigation process is not appropriate or they are dissatisfied with our response.
- Permit the National Autistic Society to act in the event of an individual who makes allegations in bad faith and or publicly discloses information when it is unreasonable for them to do so.
- Ensuring a safe and secure environment is maintained instilling confidence in the people we support, family members and carers, staff, volunteers and commissioning bodies and stakeholders.
- Ensure there is a way of whistleblowing anonymously should anyone be worried about reprisal.

Scope

This policy explains the steps needed to be followed by both managers and employees of the NAS in order to ensure the NAS applies best practice and complies with legislation.

This policy will be reviewed in accordance with policy review processes to make sure that it reflects the National Autistic Society's legal obligations and business needs.

Definitions

Whistleblowing

'Whistleblowing' is the term used to refer to the internal or external disclosure of malpractice as well as unlawful acts, or omissions, at work. It covers for example how we raise funds, how we commission work or make payments as well as poor practice/care of our staff and supported people.

Incident

An incident is a failure in internal processes, controls, people, systems or equipment; an external event or an unintended/unexpected event, that had or may have an incident impact on the National Autistic Society, its staff, volunteers or people that we support and/or business objectives.

Examples of incidents include:

- Accident/injury to staff member
- Loss and misuse of personal data including breaches of private and confidential information relating to the people we support and/or data protection legislation
- Breaches of regulatory compliance
- Security or loss or damage to property or assets
- Substantial operational disruption e.g. unexpected equipment failure, including telephones

Incidents must be reported using the National Autistic Society's Incident Management Process and not through the Whistleblowing process.

Safecall

Safecall is a whistleblowing service provider contracted by the National Autistic Society to enable individuals to speak up and report their concerns in a safe and confidential manner. Submissions can also be made anonymously.

Individual

For the purposes of this policy the term "Individual(s)" is used to identify a person raising a concern via the Whistleblowing policy.

Applicable Legislation

The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 (PIDA) protects whistle-blowers from detrimental treatment by their employer (amending the Employment Rights Act 1996) as a result of making a public interest disclosure. To be counted as a public interest disclosure / "whistleblowing" disclosure, information must be disclosed; it is not sufficient to gather information or threaten to make a disclosure. The individual reporting must reasonably believe that the information relates to one of six categories listed in the Public Interest Disclosure Act 1998:

- commission of a criminal offence
- failure to comply with a legal obligation
- a miscarriage of justice
- danger to the health and safety of any individual
- damage to the environment
- the deliberate concealment of information falling within any of these categories.

A public interest disclosure must be made in the public interest (see above). It will not be a public interest disclosure if the person making the disclosure commits an

offence by making the disclosure. A public interest disclosure must be made to certain people (e.g. the employer) in order to attract statutory protection; this requirement should be covered in detail in the relevant policies of individual organisations.

Malicious Disclosures

If it is identified that an individual has raised a matter which they know is to be untrue or if they are involved in any malpractice, wrong doing or illegal acts or omissions, their behaviour may be addressed through the appropriate National Autistic Society policy.

Raising Concerns

Speak up – we will listen

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all those we support and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

Incidents and Non-Whistleblowing Concerns

This policy should only be used in exceptional circumstances as outlined under 'Applicable Legislation'. There are a range of policies that are relevant, should be read and considered prior to using the Whistleblowing process e.g. incidents must be reported using the National Autistic Society's Incident Management Process and not through the Whistleblowing process.

Please refer to the policies below, before commencing the Whistleblowing process:

- Safeguarding and child protection concerns
- Bullying and harassment
- Disciplinary
- Grievance
- Incident reporting policy

This list is not exhaustive.

What concerns can I raise?

You can raise a concern about risk, bad practice or wrongdoing you think is harming the service we deliver or directly to the people we support.

Just a few examples of this might include (but are by no means restricted to):

- Sexual, emotional or physical abuse or ill treatment or exploitation of the people we support or staff.
- Any issue relating to the protection of children or vulnerable adults
- unsafe working conditions

- inadequate induction or training for staff
- lack of, or poor, response to a reported safety incident
- A bullying culture (across a team or organisation rather than individual instances of bullying).

Remember that if you are working with children or vulnerable adults you may have a professional and statutory duty to report a concern.

If in doubt, please raise it.

Don't wait for proof. We would like you to raise the matter while it is still a concern.

It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to our NAS grievance policy.

Feel safe to raise your concern

What happens after a concern has been raised?

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.

All concerns raised are investigated in accordance with the Incident Management Procedures for investigations, and will be allocated to the appropriate manager for investigation, this may be the manager who the concern was raised with or by another senior member of staff.

Typically, the matters raised may result in one or more of the following:

- An internal investigation under this policy
- A referral to the police or relevant statutory body
- A referral to the Charity Commission
- An independent enquiry

Protecting Individuals Using This Policy

It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be committed. However, the individual will need to hold a reasonable belief of such action having been, being or likely to be carried out.

When making a protected disclosure, the individual has the right not to be dismissed or subjected to any other detriment or victimisation. This would remain the same even if the findings of the concern are unfounded and or the individual are mistaken

in their beliefs. The National Autistic Society will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith.

Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees. However, the National Autistic Society want to promote and encourage an open, honest and transparent environment in which concerns can be raised freely and without duress. We will, therefore, in so far as possible aim to treat all individuals in making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police).

You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

Who can raise concerns?

Anyone who works (or has worked) in the NAS, or for an independent organisation that provides services to the NAS can raise concerns. This includes agency workers, temporary workers, students, volunteers and trustees.

Who should I raise my concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager.

But where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance. Or if raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

- The Area Manager/Principal
- The Head of Department (for functions that are not services)

If you still remain concerned after this, you can contact:

- National Lead for Health & Safety
- Head of Incidents & Complaints
- Director of Assurance & Compliance
- Director of Adult Services

- Director of NAS Education & Children's Services
- Appropriate Director for the Department

NAS also has a dedicated whistleblowing email address where staff can send their concerns to at; Whistleblowing@nas.org.uk

Alternatively, you can raise your concern outside the organisation with:

Safecall – An independent company working with the NAS. All calls to Safecall are confidential and you can remain anonymous if you want.

Call Safecall on 0800 915 1571

Report on line www.safecall.co.uk/reports

Email: nas@safecall.co.uk

Raising your concern with an outside body

The National Autistic Society strongly encourage individuals to exhaust the internal processes before making an external disclosure.

In instances where an individual cannot follow the internal whistleblowing policy e.g. institutional abuse or concerns raised and ignored, or urgent circumstances, or where having made a disclosure the individual is unhappy with the outcome, individuals have a legal right to make a disclosure to proposed bodies.

These include but are not limited to:

- The Charity Commission
- The Charity Commission for Northern Ireland
- Office of the Scottish Charity Regulator
- Fundraising Regulator (England, Wales and Northern Ireland)
- Scottish Fundraising Standards Panel
- The Financial Services Authority
- HM Revenue & Customs
- The Health & Safety Executive (HSE)
- The Environment Agency
- The Office of Fair Trading

It is important to note that similar to the rights and obligations of an employee, the National Autistic Society reserves the right to make a referral to any of the above agencies without the individuals consent.

NSPCC- The NSPCC Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation

Call on: 0800 028 0285

Email: help@nspcc.org.uk

The independent charity, Public Concern at Work, Tel 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Social Services Departments in the case of child protection or vulnerable adults. Local address can be obtained from the Citizens Advice Bureau or the internet.

CQC / Care Inspectorate Wales / The Care Inspectorate, Scotland / RQIA / Ofsted – details can be found on the internet

Employee Assistance Programme (EAP) called BeSupported on 0800 072 7072.

The Police, if employees believe a serious criminal matter warrants immediate investigation.

You may wish to consider discussing your concern with a colleague first, and may find it easier to raise the matter if there are two (or more) people who have had the same experience or concerns.

You may invite a representative (e.g. a friend or advisor) to be present during any meetings or interviews in connection with the concerns you have raised.

How should I raise my concern?

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email).

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

What will we do?

We are committed to listening to our staff, learning lessons and improving the care that we give to the people we support.

On receipt the concern will be recorded and you will receive an acknowledgement within two working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.

Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation and we will reach a conclusion within a reasonable timescale (which we will notify you of).

Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident).

The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others).

How will we learn from your concern?

The focus of the investigation will be on improving the service we provide. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Board Oversight

The NAS Board of Trustees will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems.

The Board of Trustees support staff raising concerns and want you to feel free to speak up.

Making a 'protected disclosure'

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it).

- The unauthorised use of NAS funds.
- Possible fraud or corruption
- Sexual, emotional or physical abuse or ill treatment or exploitation of the people we support or staff
- Any issue relating to the protection of children or vulnerable adults
- Health & Safety risks (including risks to clients, the public as well as other employees) or the potential for harm
- Conduct which is an offence or breach of law
- Disclosures related to miscarriages of justice (i.e. where the NAS has acted improperly or unfairly)
- Damage to the environment
- Other unethical conduct, including any deliberate concealment of any of the above.

In summary:

Do	Don't
Deal with the matter promptly if you feel your concerns are warranted	Do nothing

Convey your suspicions to someone with the appropriate authority to deal with them	Be afraid to raise your concerns
Feel assured that the NAS will take seriously disclosures based on honest and real suspicions	Try to investigate the matter yourself (this might hinder further enquiries at a later stage)
	Approach or accuse any individual directly
	Convey your suspicions to anyone other than those with the proper authority

Appendices

Appendix 1: Process for raising and escalating a concern

This to be adapted for each setting- service, school etc.

Location: _____

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager.

This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with your Area Manager / Principal

[Name]

[Contact details]

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact either:

The Director of Assurance & Compliance

Lesley Andrews

Email: Lesley.andrews@nas.org.uk

Mobile: 07783888050

The Head of Incidents & Complaints

Carrie Ogdee

Email: carrie.ogdee@nas.org.uk

Mobile: 07843 811627

The National Lead for Health & Safety

Ailsa Holmes

Email: Ailsa.Holmes@nas.org.uk

Mobile: 07483 012 458

Interim Director of Adult Services

Steven Rose

Email: Steven.Rose@nas.org.uk

Mobile: 07731 982849

Director of NAS Independent Schools and Children's Residential Services

Josh Fitzgerald

Email: Josh.Fitzgerald@nas.org.uk
Mobile: 07436 264595

Step 4

You can raise concerns formally with external bodies:

Safecall – An independent company working with the NAS. All calls to Safecall are confidential and you can remain anonymous if you want.

Call Safecall on 0800 915 1571

Report on line www.safecall.co.uk/reports

Email nas@safecall.co.uk

NSPCC- The NSPCC Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation

Call on: 0800 028 0285

Email: help@nspcc.org.uk

The independent charity, Public Concern at Work. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Tel 020 7404 6609

Social Services Departments in the case of child protection or vulnerable adults.

Please add contact Details for appropriate dept for service

• **CQC / The Care Inspectorate, Wales / The Care Inspectorate, Scotland / RQIA / Ofsted** (delete as appropriate)

Please add contact Details for appropriate regulator for service

Employee Assistance Programme (EAP) called BeSupported on 0800 072 7072.

The Police, if employees believe a serious criminal matter warrants immediate investigation.

Appendix 2: Safecall Poster

Tell Us

Health & Safety

Corruption

Bullying

Fraud

Independent confidential reporting regarding:

- Safeguarding
- Security
- Bullying
- Discrimination
- Environmental Issues
- Harassment

If you have a serious concern over wrongdoing at work:

- Report it to your line manager or HR, or
- Speak to a senior manager, or
- Contact **Safecall**

0800 915 1571

or report on line at: www.safecall.co.uk/report



A totally independent organisation working with



All calls are treated confidentially by Safecall and you may remain anonymous if you wish.

Appendix 3: NSPCC Whistleblowing Poster

NSPCC

Things aren't being done properly, so I know we're putting the children we work with in danger. I've raised my concerns, but I kind of got... brushed off. I don't want to press it, but it feels wrong to leave it. What should I do?



A chat with your partner over a cup of tea won't change anything. A chat with us can change a child's life.

Call the NSPCC Whistleblowing Advice Line today

0800 028 0285

Free & Anonymous

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EVERY CHILDHOOD IS WORTH FIGHTING FOR

www.nspcc.org.uk/whistleblowing