

WHISTLEBLOWING POLICY

for

THE MENTAL SHIFT C.I.C.

Policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the company is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the company or the way in which the company is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called ‘qualifying disclosures’. A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- or concealment of any of the above.

is being, has been, or is likely to be committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is the company’s responsibility to ensure that an investigation takes place.

If you make a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the company should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the company will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the company director.

Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment.

Stage 1: In the first instance, any concerns should be raised with the company director, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above.

Your statement will be considered, and you will be asked to comment on any additional evidence obtained. The company director will take any necessary action, including reporting the matter to the board of trustees and any appropriate government department or regulatory agency. The company director will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the company has done, or proposes to do about it. If no action is to be taken, the reason for this will be explained.

Stage 2: You should escalate the matter to the company secretary if you are concerned that the company director:

- is involved in the wrongdoing
- has failed to make a proper investigation
- or has failed to report the outcome of the investigations to the relevant person.

The company secretary will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

Stage 3: If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority
- The Competition and Markets Authority
- The Independent Office for Police Conduct

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.