

## Woking Community Transport

### "WHISTLEBLOWING" POLICY (Making a Disclosure in the Public Interest)

#### Introduction

1. Woking Community Transport is committed to the highest standards of openness, integrity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Society to voice concerns responsibly and effectively. 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 that they believe shows serious malpractice or wrongdoing within the organisation, this information should be disclosed internally without fear of reprisal. There should be arrangements to enable this to be done independently of line management (although in relatively minor instances, the line manager would be the appropriate person to be told).

2. The Public Interest Disclosure Act gives legal protection to employees against being dismissed or penalised by their employers due to publicly disclosing specific serious concerns. The Society has endorsed the provisions set out below to ensure that no staff members should feel at a disadvantage in raising legitimate concerns.
3. It should be emphasised that 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 the Society, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

#### Scope of Policy

4. This policy is designed to enable employees of the Society to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns that are in the public interest and may initially be investigated separately but might then lead to the invocation of other procedures, e.g. disciplinary. These concerns could include:
  - Improper conduct or unethical behaviour
  - Financial malpractice or impropriety, or fraud
  - Failure to comply with a legal obligation or Statutes
  - Dangers to Health & Safety or the environment
  - Criminal activity
  - Attempts to conceal any of these

#### Safeguards

5. **Protection** - this policy is designed to offer protection to those employees of Woking Community Transport who disclose such concerns provided the disclosure is made:
  - in good faith
  - in the reasonable belief of the individual making the disclosure, it tends to show malpractice or impropriety and make the disclosure 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.

6. **Confidentiality** - Woking Community Transport will treat all such disclosures confidentially and sensitively. The individual's identity making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of information, and the individual making the disclosure may need to provide a statement as part of the evidence required.
7. **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 Society's discretion. In exercising this discretion, the factors to be taken into account will include:
  - The seriousness of the issues raised
  - The credibility of the concern
  - The likelihood of confirming the allegation from attributable sources
8. **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, and particularly if they persists with making them, disciplinary action may be taken against that individual.

#### **Procedures for Making a Disclosure**

9. 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/wrongdoing in respect to safeguarding will be investigated by the DSL (Designated Safeguarding Lead) or line manager if the complaint is against either or is in any way related to the actions of either. In such cases, the complaint should be passed to the Managing Director for referral.
  - In the case of a complaint connected with but not against the DSL or line manager, the Managing Director will nominate a Senior Manager to act as the alternative investigating officer.
  - Complaints against the Managing Director should be passed to the Chairman, who will nominate an appropriate internal/external investigating officer.
  - The complainant has the right to bypass the line management structure and take their complaint direct to the Managing Director. The Managing Director has the right to refer the complaint back to management if he/she feels that the management (without any conflict of interest) can more appropriately investigate the complaint.

Designated Safeguarding Lead is Debbie Clarke, HR & Office Manager.

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

#### **Timescales**

11. Due to the varied nature of these sorts of complaints, which may involve internal/external investigators and/or the police, it is impossible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
12. The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and, after that, report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation

is prolonged, the investigating officer should keep the complainant informed, in writing, about the progress of the investigation and when it is likely to be concluded.

13. All responses to the complainant should be in writing and sent to their home address marked "confidential".

### Investigating Procedure

14. The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. Staff members will be notified of their right to be accompanied by a work colleague at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Society auditors and the police at this stage and should consult with the Managing Director or The Board of Directors.
- The investigating officer should thoroughly investigate the allegations with the assistance (where appropriate) of other individuals/bodies.
- The investigating officer will make a judgement concerning the complaint and the validity of the complaint. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Managing Director.
- The Managing Director will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Society procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of Society procedures.

15. 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 Managing Director.

16. 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, Woking Community Transport recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body. Safeguarding issues should be referred to Local Authority Designated Officer (LADO) 0300 123 1650 or [LADO@surreycc.gov.uk](mailto:LADO@surreycc.gov.uk). A full list of prescribed people and bodies can be found on the Government Website ([www.gov.uk](http://www.gov.uk)).



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Children PolicyV2.doc .doc

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