



WHISTLEBLOWING POLICY

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1 Introduction

- 1.1 The Aurora Group is committed to the highest standards of quality, integrity, openness and accountability. It is important to us that any fraud, misconduct, malpractice, ill treatment of those using our services or wrongdoing by our staff members, contractors or any other issues that may affect staff members or individuals we support are reported and properly dealt with appropriately.
- 1.2 The Aurora Group encourages all of our staff members to raise any concerns that they have about the conduct of others in our organisation, or the way in which our business is run. This policy sets out the way in which our staff members may raise any concerns that they have and how those concerns will be dealt with.
- 1.3 It sets out the rights and responsibilities of all of our staff members when raising issues. Other policies and statutory regulations may apply, based on the matter raised.
- 1.4 The policy complies with professional and ethical standards, guidelines and codes of conduct. There are professional codes and mechanisms which allow questions of professional competence to be raised. This policy is not intended to replace these mechanisms, but such issues can be raised confidentially under this process if no other more appropriate route is available

2 Scope

- 2.1 This policy applies to all staff members of The Aurora Group and its associated group of companies; whether temporary, fixed term, permanent or sessional. For ease, all of the foregoing will be referred to as 'staff' or 'staff member' in this policy. This policy also applies to agency workers or self-employed contractors.
- 2.2 All staff members with terms and conditions which have transferred to The Aurora Group under TUPE will be managed via this policy where consent has been given, however they will retain their TUPE transferable terms and conditions under their contract of employment.
- 2.3 This policy and procedure is not a contractual term of employment and confers no legal rights upon you. The Company may amend this policy at any time without notice or consultation.

3 Background

- 3.1 The Public Interest Disclosure Act 1998 (PIDA) amended the Employment Rights Act 1996 to provide protection for staff members who raise legitimate concerns about specified matters.

These are called 'qualifying disclosures'. A qualifying disclosure is one which a staff member reasonably believes that the disclosure they are making is in the public interest such as:

- a criminal offence;
- a miscarriage of justice;
- a risk to safeguarding of an individual or individuals;
- a risk to health and safety;
- damage to the environment;
- a failure to comply with a legal obligation; or
- concealment of any of the above;

3.2 It is not necessary for the staff member to have proof that such an act is being, has been, or is likely to be, committed. It is sufficient to have a reasonable belief.

4 Principles

4.1 The Aurora Group recognises that our staff play a key part in reporting situations since they are often the first to suspect or witness that wrong-doing may be taking place. Without help from our staff with reporting things, The Aurora Group is less able to deliver a safe service.

4.2 Our Managers will always take concerns seriously; consider concerns fully and sympathetically; recognise that raising a concern can be a difficult experience for some staff members and seek advice from their own line manager where appropriate.

4.3 A complaint made in line with this policy may be viewed as a protected disclosure. Any staff member who has made a protected disclosure has the right not to be subjected to a detriment because they have made the disclosure. The detrimental treatment of a staff member for raising a protected disclosure is a disciplinary offence.

4.4 Maliciously making a false allegation is a disciplinary offence and, where identified as such, the allegations will not be treated as a protected disclosure. If misconduct is discovered as a result of any investigation under this procedure, The Aurora Group disciplinary procedure will be used, in addition to any appropriate external measures.

4.5 An instruction to cover up wrongdoing is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager; staff members should not agree to remain silent. They should report the matter to a more senior manager or the H.R. Department.

4.6 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the H.R. Department and appropriate measures can then be taken to preserve confidentiality and provide support.

4.7 Should staff wish to remain anonymous following a disclosure, we will make every effort to keep their identity secret. In situations where a resolution cannot be found without the staff member's identity being revealed (i.e. evidence to be given in court) then The Aurora Group may seek to discuss the matter with the staff member prior to a decision being made.

4.8 If a staff member is concerned that their own contract has been, or is likely to be, breached, the correct mechanism to raise their concern is through The Aurora Group Grievance Procedure.

4.9 Any concerns that a staff member may have must be raised internally unless there are compelling reasons not to do so in which case independent advice should be sought (see section 7).

5 Whistleblowing Procedure

5.1 It is our aim to provide a speedy resolution to concerns as close as possible to the original point of contact and as such, The Aurora Group encourages concerns to be resolved between staff members and their immediate line managers. Line Managers may be able to agree a way of

resolving concerns quickly, effectively and often immediately. We pride ourselves on taking all comments and complaints seriously, however if a staff member believes that the complaint is of a serious nature, or does not have the confidence that it will be dealt with swiftly, then they should contact the C.E.O. directly.

- 5.2 Staff should always try to use the Line Management system in the first instance e.g. line Manager, Regional Manager, Regional Operations Director, Managing Director, H.R. Department or C.E.O. However, if a staff member feels they cannot report their concerns to any of the above, they are able to ring an external hotline. Please note; the hotline should not be used in place of the recommended Line Management system. See section 6 for further details about the hotline.
- 5.3 Any concern can be raised verbally or in writing. Those who wish to make a written statement should set out the background and history of the concern (giving relevant dates if possible) and reasons why they are particularly concerned about the situation. The earlier an issue or concern is raised the sooner action can take place. If in doubt, raise it.
- 5.4 The manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a similar or more senior position). However, the matter may need to be referred to the Local Authority for them to determine whether there are safeguarding concerns. If the Local Authority determine there is a safeguarding concern any investigation by the Aurora Group must be authorised by the Local Authority.
- 5.5 Managers should take advice from their H.R. Department when responding to concerns raised.
- 5.6 In some cases, a meeting may need to be arranged with the whistleblower. The Aurora Group recognises that raising a concern may be daunting and difficult for some staff members. They are therefore able to be accompanied by a fellow staff member at any such meeting should they feel more comfortable with this.
- 5.7 The person investigating will report the outcome of the investigation to the relevant Manager internally (and externally if appropriate), with advice sought from the H.R. Department. Any necessary action will be taken.
- 5.8 Where possible, the whistleblower will be told in the strictest of confidence, the outcome of the investigation, or, if no action is or has been taken; this will be explained to the whistleblower. Staff members should treat any information about the investigation as confidential. Sometimes it may not be possible for the whistleblower to be provided with details of the investigation or the outcome, this may be for reasons of confidentiality, data protection or other legal reasons.
- 5.9 If the whistleblower's concerns remain unresolved or they are not satisfied with the response they should inform a more senior manager. The findings will be reviewed and further investigations carried out if necessary.
- 5.10 On completion of the investigation or review, where possible, the whistleblower will be told in the strictest of confidence, the outcome of the investigation, or, if no action is or has been taken, this will be explained to the whistleblower. Staff members should treat any information about the investigation as confidential. Sometimes it may not be possible for the whistleblower to be provided with details of the investigation or the outcome, this may be for reasons of confidentiality, data protection or other legal reasons.
- 5.11 If on conclusion of the formal process, the whistleblower reasonably believes that the appropriate action has not been taken, there are a number of bodies to which qualifying disclosures may be

made. We strongly encourage staff to seek independent advice before reporting a concern externally. These include:

- In the case of a criminal offence:
 - ✓ Police
- In the case of vulnerable adults:
 - ✓ The nominated Local Authority Designated Officer (LADO) for safeguarding, or Safeguarding team at the Local Authority
 - ✓ Care Quality Commission (England) 03000 616161
 - ✓ Care and Social Services Inspectorate (Wales) 03000 628800
 - ✓ Care Inspectorate (Scotland) 0845 600 9527
 - ✓ Ofsted 0300 123 4666 - Ofsted will not normally consider a complaint about a school until you have followed the complaints procedure first.
 - ✓ NSPCC Whistleblowing Advice Line on 0800 028 0285

6 Whistleblowing Hotline

- 6.1 The Whistleblowing Hotline is managed externally and is staffed by professionals who are independent of The Aurora Group. This provides an additional route for people to raise concerns. Anyone can use the hotline but it is intended primarily for people we support and staff.
- 6.2 The Whistleblowing Hotline might be used where a person you support is concerned about their own, or any other Company service.
- 6.3 The Whistleblowing Hotline cannot respond to calls about issues which should be resolved locally; for example, rotas, pay issues and grievances.
- 6.4 The Whistleblowing Hotline telephone number is **0207 423 8787**.
- 6.5 The Whistleblowing Hotline is available between the hours of 9am to 5pm Monday to Friday (excluding public holidays). Outside of these times, it is possible to leave a message.
- 6.6 When you call the Whistleblowing Hotline a member of the hotline team will ask you a series of questions about the concern that you wish to raise. All concerns raised will be treated sensitively and with due regard to confidentiality, nevertheless, details of concerns raised via the Whistleblowing Hotline will need to be passed on to those with a legitimate need to have this information.
- 6.7 The Whistleblowing Hotline is a reporting hotline only. Concerns raised on the Whistleblowing Hotline will be reported to the Aurora Group, to enable the Aurora Group to undertake an investigation into those concerns as described in section 5 of this policy. In some circumstances, where the matter is exceptionally serious in nature, the Whistleblowing Hotline may report your concern direct to a third party independent body such as the police, Ofsted or the local safeguarding team. It may not be possible, due to confidentiality or other legal reasons, to report to you that your concern has been passed on to that third party independent body.
- 6.8 If you would like to report a concern to the Whistleblowing Hotline, but do not wish to use the telephone service, you may instead send details of your concern to the following email address reporting@thwhistle.com. This email address is monitored between the hours of 9am to 5pm Monday to Friday (excluding public holidays). To enable your concern to be dealt with appropriately, please do try to include as much detail as possible (see below for suggested questions that you should try to answer) and, preferably, provide contact details so that someone from the Whistleblowing Hotline can contact you for more information if necessary.

Suggested questions to answer when reporting a concern using the Whistleblowing email address:

- *When and where did the incident take place?*
- *Who was involved in the incident (names and roles)?*
- *What was the incident and what happened immediately before and immediately after the incident?*
- *Were there any witnesses and, if so, who?*
- *What has happened since the incident?*
- *Have you notified anyone else of the incident and, if so, who?*
- *Have there been any debrief/learning meetings following the incident and, if so, when were they and who were they held by?*

7 Independent Advice

- 7.1 Should a staff member wish to seek independent external advice, you can contact Public Concern at Work - an independent whistle blowing charity. They can be contacted on 0207 404 6609 or emailed at helpline@pcaw.co.uk. Information can also be obtained from their website www.pcaw.co.uk.

8 References

- The Aurora Group Policy – Disciplinary Policy (AHR1)

Whistleblowing – Speak up

Have you seen something in your workplace which should not be happening?

IF SOMETHING IS WRONG, we want you to SPEAK UP

There are different people you *can* and *should* talk to.

What kind of information do you have?

Is it bullying or harassment?

Consult Company policies, speak to your line manager, or the H.R. Department. If the matter is serious enough, it may be a whistleblowing disclosure.

Is it a grievance or workplace conflict?

Consult the Grievance Policy and talk to your line manager, H.R., or Union.

Is it a workplace Health and Safety issue?

Consult the Health and Safety policies and talk to your line manager, or workplace H&S Representative.

Is it about official misconduct or a reprisal?

It may be a whistleblowing disclosure, so read the Whistleblowing Policy.

Is it about maladministration or financial mismanagement?

It may be a whistleblowing disclosure, so read the Whistleblowing Policy.

Is it about danger to public health or safety, or the safety of a vulnerable person?

It may be a whistleblowing disclosure, so read the Whistleblowing Policy.

Is it a combination of the above?

It may be a whistleblowing disclosure, so read the Whistleblowing Policy.

Not sure?

Seek advice from your manager, another senior manager, your H.R. Department. ***If in doubt, call the Whistleblowing Hotline.***