

WHISTLE-BLOWING POLICY

1. AIM

1.1 The Public Interest Disclosure Act 1998 came into force in July 1999. It provides protection against victimization and dismissal for workers who, in good faith, voice their concerns about serious malpractice within an organisation. Examples of “Malpractice” include: financial impropriety or fraud, failure to comply with a legal obligation or statute, risk to health or safety or the environment, criminal behaviour, or attempts to conceal any of these things.

1.2 CREA8ING CAREERS is committed to the highest standards of quality, probity, openness and accountability, as laid out in its policy documents. CREA8ING CAREERS knows that it cannot expect staff to practice higher standards than those which the organisation itself applies. If concerns are reported by staff, CREA8ING CAREERS will take such concerns seriously. If, on investigating those concerns, we find a problem, we will always take whatever action is appropriate in the circumstances. In particular, we will pursue fraud and serious abuse as vigorously as possible through the disciplinary procedure and/or, if necessary, through the courts. Fraud and other potentially criminal activity may also be reported to the police.

1.3 The procedure set out in the policy is intended to enable staff to make any serious work concern relating to malpractice (whether confidential or not) known to CREA8ING CAREERS, to guide managers in responding to the expression of such concerns, and to provide support, re-assurance and protection from reprisals for those who come forward to express such concerns.

1.4 This procedure is separate from CREA8ING CAREERS’s Grievance Procedure. If an employee has concerns of a personal nature or concerns relating to employment conditions and the like, these must be dealt with under the Grievance Procedure.

1.5 If staff are unsure what sort of matters may be covered under this legislation, further information can be obtained via the Public Concern at Work website –
www.pcaw.co.uk

2. CONSULTATION, TRAINING AND INFORMATION

2.1 CREA8ING CAREERS will endeavour via its induction, supervision and training arrangements to make sure that staff know what is expected of them and what practices are regarded as unacceptable. Staff should study organisationally policies carefully, together with any procedures that set out standards of service and behaviour both for staff and for the whole organisation. If any employee is uncertain as to what is expected of him/her or of any other member of staff in any given situation, he/she should discuss the matter with his/her line manager.

3. CONFIDENTIAL REPORTING

3.1 CREA8ING CAREERS hopes that staff will come forward with any concerns at an early stage and before problems have a chance to become serious. It is important that CREA8ING CAREERS’s organisational confidentiality is respected and that, wherever possible, issues are raised internally first with the relevant manager.

3.2 In most cases, staff should raise any concerns with their line manager. If for some reason this is not possible, staff should speak to the Chief Executive. Staff may speak to these people directly and ask for a confidential meeting. All such contacts will be treated in confidence: that means that the identity of the staff member reporting the concern will not be disclosed unless CREA8ING CAREERS is required to do so – for example by a court or tribunal; if in other circumstances the concern cannot be addressed without revealing the staff member's identity, the manager will discuss with them whether and how to proceed.

3.3 Staff can also approach Public Concern at Work for confidential and independent advice. PCAW's contact details are:

Address:
The Green House
244-254 Cambridge Heath Road
London E2 9DA

Telephone: 020 7404 6609
Fax: 020 7404 6576
Email: whistle@pcaw.co.uk

3.4 CREA8ING CAREERS recognises that it is never easy to report a concern, particularly one that may relate to an allegation of fraud, corruption and/or malpractice. If staff so wish CREA8ING CAREERS is happy for them to be supported by a colleague or a friend when reporting a concern. However, to enable action to be taken as swiftly as possible, staff are encouraged to make their report personally rather than through a third party. If anonymous reports are made CREA8ING CAREERS will try to consider them by taking into account factors such as the seriousness of the issue raised, its credibility, and the likelihood of confirmation; however, given the obvious difficulties of investigating anonymous concerns, this Policy is geared towards addressing concerns in situations where staff identify themselves.

4. CREA8ING CAREERS'S RESPONSE TO A REPORT

4.1 If staff report a concern, CREA8ING CAREERS will look into it carefully and thoroughly. CREA8ING CAREERS has to maintain a balance between acting on concerns genuinely held by a member of staff and ensuring that those alleged to have been involved in malpractice are treated fairly. If someone is potentially being accused of misconduct, CREA8ING CAREERS must give that employee the opportunity to put forward their side of the story.

4.2 If a concern is raised with a line manager who is not the Chief Executive, that line manager must inform the Chief Executive of the nature of the concern in order for investigation to proceed appropriately and to allow for consideration of the need to involve (for example) members of the Trustee Board, or external authorities.

4.3 If a concern is raised which relates to the Chief Executive this should be passed to the Chair of Directors. The investigative steps are as follows:

4.3.1 Full details of the concern must be obtained

4.3.2 The member(s) of staff against whom allegations have been made must be informed as soon as possible, and reminded of their right to be accompanied at any future interview or hearing held under this Policy

4.3.3 Consideration must be given to the need to involve Trustees or external authorities such as (in the case of alleged criminal activity) the Police

4.3.4 The concern must be investigated fully, a judgement made, and action proposed; the content of the investigation, the judgement reached, and the action proposed must be made in a written report to be passed to the Chief Executive or the Chair as appropriate (see above) for endorsement of any action suggested.

4.4 Once CREA8ING CAREERS has investigated the reported concerns it will take such action as appears to be appropriate; this may include use of the disciplinary procedure and/or reporting the findings of its investigation to an external agency such as the Police. If the member of staff who reports the concerns so requests, CREA8ING CAREERS will whenever possible inform them (verbally or in writing if they so wish) of the results of its investigations and of any action proposed; however, such information may need to be withheld if this protects the confidentiality of other staff.

4.5 If the staff member who raised the concern is not satisfied that their concern has been properly addressed they have the right to make a written request to the Chair for it to be raised with the Board of Directors.

4.6 If all internal processes have been exhausted and the staff member remains unhappy either that their complaint has not been handled correctly or they are not satisfied with the outcome, CREA8ING CAREERS recognises their legal rights to disclose the matter to the appropriate external authorities – in this case, staff are advised to seek advice from PCAW.

5. PROTECTION FOR STAFF REPORTING CONCERNS

5.2 CREA8ING CAREERS will take all steps, which are responsibly practicable to support concerned staff and to protect them from reprisals or victimisation. If staff come forward with a concern, they can be confident that CREA8ING CAREERS will do all it can to ensure that this will not affect their career or enjoyment of their job. This applies equally if they come forward with a concern which turns out later not to be justified, provided that the concern was raised in good faith and in the reasonable belief that the matter indicated malpractice or impropriety.

5.3 If anyone tries to prevent staff from coming forward to express a concern, CREA8ING CAREERS may treat this as a disciplinary offence. In the same way, CREA8ING CAREERS will deal severely with anyone who criticises or victimises staff who have reported (or are believed to have reported) concerns.

6. ABUSE OF THE REPORTING PROCESS

6.1 If a member of staff is found to have abused the reporting process, or to have used it in a malicious or vexatious manner, CREA8ING CAREERS may treat this as a disciplinary matter.

6.2 Such abuse may consist of either the raising of allegations which are known or suspected to be unfounded or which are raised for personal gain, or the regular inappropriate use of the procedure to raise minor issues. It is hoped and expected that such cases of abuse of the procedure will be rare in practice. CREA8ING CAREERS reserves the right to refer staff to its other policies and procedures should these be more appropriate when a concern is raised.

7. USE AND NON-USE OF THIS POLICY

7.1 If staff choose not to use the procedure outlined in this Policy they need to be aware that no protection is offered from internal disciplinary procedures or external action. For example: someone who makes a malicious allegation against someone else may find themselves subject to internal disciplinary procedures but also – in extreme circumstances – to legal action from the person against whom the allegation has been made.

7.2 Once this Policy is in place, it is reasonable for CREA8ING CAREERS to expect staff to use it rather than addressing concerns externally as their first recourse. As it is a fundamental expectation of the employment relationship that staff will respect the confidentiality of their employer; staff are encouraged to use this Policy to report any concerns relating to malpractice or impropriety and