



Whistleblowing

Introduction

Under the Public Interest Disclosure Act 1998, which came into force in July 1999, members of staff who speak out against corruption and malpractice at work are protected by statute from victimisation and dismissal. As well as encouraging staff to disclose information in the interests of the wider public by offering employment protection, the purpose of this legislation is to recognise the contribution that staff can make to delivering better services..

- This policy has therefore been written with a number of purposes in mind;
- To explain what whistle blowing actually means;
- To express the commitment of the organisation in supporting staff who whistle blow in the interests of protecting the public;
- To provide an operational framework for dealing with cases of whistle blowing;
- To identify some examples of whistle blowing for practical guidance purposes;
- Finally, to reassure members of staff that concerns will be dealt with seriously and investigated fully with appropriate action being taken when necessary.

Policy Statement

WRL is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all its practices. To achieve these ends, it encourages freedom of speech among all individuals engaged through the work of the company in delivering the best possible care services.

To endorse this commitment, WRL has designed a procedure for dealing with cases of whistle blowing that protect the individual and ensure the matter is full and vigorous / investigated.

What is Whistleblowing?

The term whistleblowing is generally used to describe the process of disclosing information relating to some kind of malpractice or mistreatment which members of staff may have come across during the course of their work and which they feel would put the interests of the public at risk.

This includes crimes, civil offences (including negligence, breach of contract and breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies to whether or not the information is confidential and extends to malpractice occurring overseas.

Who is covered by the Act?

In addition to employees, it covers agency staff, home workers, trainees and every profession inside the care sector. There are no restrictions on minimum length of service or qualifying age.

Other policies and Procedure

WRL has a range of policies and procedures that deal with standards of behaviour at work, they cover discipline, grievance, harassment and recruitment, and selection. Members of staff are encouraged to use the provisions of these procedures where and when appropriate.

There may be times, however, when the matter is not about an employment issue and may need to be handled in a different way.



Examples may be:

- Malpractice or ill treatment of a service user by a member of staff;
- Repeated ill treatment of a service user despite a complaint being made;
- A criminal offence has been committed, is being committed or is likely to be committed in the future;
- Suspected fraud;
- Disregard for legislation particularly in relation to health and safety, equality of opportunity and human rights;
- The environment has been or is likely to be damaged;
- Breach of standing financial instructions;
- Showing undue favor over a contractual matter or to a job applicant;
- A breach of a code of conduct;
- Information on any of the above has been, is being or is likely to be concealed.

The right to external disclosure

While WRL would encourage members of staff to disclose their concerns internally, it recognises that in some situations external support bodies like the RFL or Sport Wales would be a suitable alternative.

In order to be protected from detrimental treatment following public disclosure it must be evident that any action was undertaken in good faith and that the whistle blower reasonably believed that the information and any allegation were substantially true.

Where the individual has chosen to express his or her concern outside the company, to be protected they must meet at least one of the following criteria:

- That they reasonably believed they would be victimised if they raised the matter internally or with a prescribed regulatory body such as those identified above;
- That they reasonably believed a cover-up was likely and there was no prescribed regulator;
- That they had already raised the matter internally or with a prescribed regulator and no action had been taken.

Working in Partnership

The company recognises that employees may wish to seek advice and be represented by their trade union officers when using the provisions of this policy and acknowledges and endorses the role trade union officers play in this area. The company recognises the importance of working in partnership with Trade Unions to create a culture of openness and trust inside WRL.

Monitoring the policy

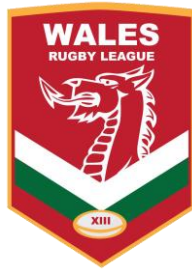
The policy will be reviewed regularly to ensure its effectiveness in encouraging staff to disclose misconduct in the interests of the wider public.

Procedure for dealing with Public Disclosure

Stage 1

If an individual is aware or concerned about misconduct taking place inside the organisation that he or she thinks may damage or undermine the interests of the wider public they are advised in the first instance to share the details with their line manager. This may be done orally or in writing.

If the individual is unable to raise the matter with his or her line manager, then they are advised to speak to the WRL General Manager or CEO.



In the event that he or she feels unable to discuss their concerns with neither of these individuals, they can contact the Chair of the WRL Board.

At this stage, the whistle blower will be asked whether he or she wishes his / her identity to be disclosed and will be reassured with regard to protection from possible reprisals or victimisation. He or she will also be asked to consider making a written or verbal statement. A brief summary of the interview will be made which will be agreed by both parties.

To take this matter forward, a report will be prepared for the consideration of the WRL Board, including recommendations for further action.

The whistleblower will be informed of the outcome of his or her disclosure and the reasons for deciding to take/not take further action.

Stage 2

Where the decision has been made to take further action, the Chair will appoint a senior manager as an investigating officer. He or she will agree terms of reference with the Chair and identify a date when the investigation will have been completed.

The investigation may need to be carried out under the strictest confidentiality. This may be appropriate in cases of suspected fraud. In certain cases, such as allegations of mistreatment of service users, where feasible, suspension from work may need to be considered immediately.

In order not to prejudice the human rights of those individuals under investigation, no action may be taken during the course of the investigation that would undermine the importance of providing the individual with the right to deny or defend their actions before being judge.