

## **WHISTLEBLOWING POLICY**

<b>Date of issue:</b>	<b>January 2020</b>
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### **Introduction**

Berkshire Maestros (hereafter referred to as Maestros) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable employees to voice concerns in a responsible and effective manner. 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 which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal and independently of line management

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees and individuals not directly employed by Maestros against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Maestros has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

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 Maestros nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary, capability, grievance or other procedures.

### **Scope of Policy**

The Chief Executive Officer (CEO) has overall responsibility for the implementation of this policy. The policy is designed to enable employees to raise concerns internally and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour

- Attempts to conceal any of these
- Failure to follow the requirements as set out in the Safeguarding Policy including reporting of incidents to the Designated Safeguarding Lead (DSL) and the Local Authority Designated Officer (LADO).

## **Safeguards**

### **i. Protection**

This policy is designed to offer protection to Maestros employees who disclose such concerns provided the disclosure is made in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety. If they 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 allegations could give rise to legal action on the part of the persons complained about.

### **ii. Confidentiality**

Maestros will treat all disclosures in a confidential and sensitive manner. The identity of the individual 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 the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **iii. 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 Maestros 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

### **iv. Untrue Allegations**

If an individual makes an allegation 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 he or she persists with making them, disciplinary action may be taken against that individual.

## **Procedures for Making a Disclosure**

The complainant should address their concern(s) to the CEO on 0118 901 2360 or Human Resources on telephone 0118 901 2356. On receipt of a complaint of malpractice, the CEO will instigate the following process:

- Complaints of malpractice will be investigated by a Deputy Manager unless the complaint is against the Deputy Manager in which case it will be dealt with by the CEO.
- Complaints against the CEO should be passed to the Chair of Trustees.

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

## **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible 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. The investigating officer will as soon as practically possible write to the complainant acknowledging receipt of the concerns.

## **Investigating Procedure**

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. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of Maestros Board of Trustees, Auditors and the Police at this stage and should consult with the Board of Trustees/ CEO.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. 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 CEO or Board of Trustees as appropriate.
- The CEO / Board of Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke Maestros internal procedures as appropriate.

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 Board of Trustees.

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, Maestros recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Charity Commission, or the utility regulators, or, where justified, elsewhere).