

**Whistleblowing Policy and Procedure**

HR9.5 Employment Policies

October 2024

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1. Introduction
   1. MHA is committed to the highest standards of openness, transparency, and accountability. We want all colleagues who may know or suspect wrongdoing which they believe may affect and/or prejudice the interests of the public (including a person using our services) and/or breach any current legislation whether it be someone who uses MHA services, a colleague, or someone else who engages with MHA, to raise their concerns at the earliest opportunity.
   2. Whistleblowing is the common term for making a protected disclosure. It covers situations where an individual raises a concern that they have a reasonable belief relating to wrongdoing in the workplace, which includes:
   * A criminal offence, for example fraud
   * Someone’s health and safety are in danger
   * Bullying and/or harassment of people using our services
   * Risk or actual damage to the environment
   * A miscarriage of justice
   * The company is breaking the law, for example does not have the right insurance
   * You believe someone is covering up wrongdoing.
   1. If you have concerns relating to any of the above wrongdoing, in the first instance we encourage you to raise your concerns to a line manager or a senior manager, who we hope will be able to resolve your concerns quickly and effectively.
   2. If your concerns cannot, or are not, properly addressed by the line manager and/or the senior manager **or** where you feel unable to raise concerns to a line manager or a senior manager, the procedure outlined in this policy should be followed and you will be treated as a "whistle-blower”.
   3. As a whistle-blower you are protected by law and should not be treated unfairly for making a protected disclosure. MHA wishes to support well-intentioned whistle-blowers in using the disclosure procedure set out in this policy, even if their fears subsequently turn out to be groundless or mistaken.
   4. [The Whistleblowing poster](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=14872&utm_source=interact&utm_medium=quick_search&utm_term=hr9.5a) outlining details of the policy and reporting procedure must be displayed in all MHA/ services.
2. Scope and Purpose
   1. This policy applies to all those who work for MHA, whether full-time or part-time, bank colleagues, employed through an agency or as a volunteer. The purpose of this policy is to provide reassurance that it is safe and acceptable to speak up and raise any concern, primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, colleagues, or MHA itself.
3. Definitions

|  |  |
| --- | --- |
| Term | Definition |
| **Grievance** | A concern, problem, or complaint that a colleague may raise with their employer during the course of their employment, relating to their own employment and/or treatment at work. |
| **Protected disclosure** | Where a worker must have a reasonable belief that their disclosure is in the public interest |
| **Safeguarding** | Protecting a person's health, wellbeing, and human rights; enabling them to live free from harm, abuse, and neglect |
| **Whistle-blower** | A person who raises a genuine concern in good faith relating to any of the above |
| **Whistleblowing** | When a worker raises a concern (that cannot be put to the line manager or has not been addressed by the line manager) about dangerous or illegal activity that they are aware of through their work |

1. Safeguarding, Grievance, and Complaint Related Concerns
   1. The Safeguarding of Adults Policy sets out the procedure for dealing with suspected or reported abuse of people using our services. This includes the process for reporting to external agencies including the Regulator and local Safeguarding Adults Board (each home must have a copy of the local authority’s policy for reference). However, if you are concerned that our residents or members are not being cared for in a way that keeps them safe, you must raise your concerns with a line manager or senior manager. If you feel unable to raise the concern with either a line manager or a senior manager, then please email the MHA whistleblowing email inbox at [whistleblowing@mha.org.uk](mailto:whistleblowing@mha.org.uk).
   2. By doing this you can ensure that the people who use our services receive care, treatment and support from colleagues who are confident about reporting any safeguarding and other concerns, without worrying about the consequences.
   3. If your concern relates to your own treatment at work, your pay, working hours, shift patterns, rota, workload or bullying by a colleague you should raise these with your line manager. If your concern of this type involves your manager, it should be raised with a more senior manager, or a member of HR. Concerns can often be resolved quickly and informally through discussion. If your concern is not able to be resolved by talking to your manager or more senior manager, you can use the Resolution Policy or if your concern relates to bullying and harassment, refer to the Bullying and Harassment Policy.
   4. If someone who uses MHA services such as a resident, tenant, or member has a concern about the support provided to them, this should be raised as a complaint using the Complaints Policy and Procedure.
   5. Concerns relating to an individual’s opinion - e.g., disagreements with work practices, are not classed as a protected disclosure and should be raised with a manager to enable the concerns to be addressed.
2. Independent Advice and Support
   1. If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity **Protect on 020 3117 2520 or by email at** [**whistle@protect-advice.org.uk**](mailto:whistle@protect-advice.org.uk). Protect Adviserscan talk you through your options and help you raise a concern about malpractice at work.
   2. All those listed within the scope of this policy have access to the free phone service. The number of the free phone service is widely and openly displayed within MHA homes, schemes and services.
3. Your Safety
   1. If you raise a genuine concern as a whistle-blower, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.
   2. However, if someone maliciously raises a matter they know is untrue, disciplinary action will be taken.
4. Confidentiality
   1. As a whistle-blower you may request anonymity, however this may make it more difficult to investigate your concern, for us to seek more clarification or to provide you with feedback. It will also be difficult to protect you from reprisals. Anonymity is therefore not encouraged.
   2. Anonymous allegations will still be considered carefully, considering the seriousness of the issues raised, the credibility of the concerns and the likelihood of confirming the allegation. However, they can be more difficult to investigate.
   3. Every effort will be made to keep your identity confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. Every effort will be made to inform you if your identity is likely to be disclosed.
5. How to Raise a Concern Internally - Procedure
   1. If you have concerns relating to any of the wrongdoings outlined in section 1.2, in the first instance we encourage you to raise your concerns to a line manager or a senior manager, who we hope will be able to resolve your concerns quickly and effectively. Dependent upon the nature of the concern, line managers may need to liaise accordingly with additional relevant colleagues as outlined in table 2.
   2. If your concerns cannot, or are not, properly addressed by the line manager and/or the senior manager **or** where you feel unable to raise concerns to a line manager or a senior manager, and therefore wish to make a protected disclosure as a whistle-blower, please email the Whistleblowing inbox at [Whistleblowing@mha.org.uk](mailto:Whistleblowing@mha.org.uk).
   3. **Table One: Routes of raising a concern internally**

| **Management Level** | **Details** |
| --- | --- |
| **Line Management** | The line manager is the immediate manager of the individual who wishes to raise a concern. In the first instance we encourage you to raise your concerns to a line manager who we hope will be able to resolve your concerns quickly and effectively. |
| **Senior Manager** | Senior managers may also be line managers. Senior management roles include Area Managers, Regional Directors, Heads of Service, and Directors. |
| **MHA’s Whistleblowing Email** | Where it is felt that your concerns have not been properly addressed by a line manager and/or a senior manager **or** where you feel unable to raise concerns via a line manager and/or a senior manager, please email the Whistleblowing inbox at [whistleblowing@mha.org.uk](mailto:whistleblowing@mha.org.uk). |

1. Investigating your Concern
   1. If a whistle-blowing concern is raised, a Senior Manager will be informed and will take immediate appropriate action to safeguard the health and safety of any individuals as necessary and will seek to resolve the concern quickly and effectively.
   2. If not already informed, the Senior Manager must report the concern via [whistleblowing@mha.org.uk](mailto:whistleblowing@mha.org.uk) for appropriate monitoring, oversight, and recording.
   3. Where concerns are unable to be satisfactorily resolved by the line manager, the Senior Manager must also inform Relevant Additional Colleagues where appropriate (see table 2).
   4. **Table Two: Relevant Additional Colleagues**

| **Relevant Additional Colleagues to be Informed** | **For Concerns Relating to** |
| --- | --- |
| **Safeguarding Lead** | A resident / member not being cared for in a way that keeps them safe |
| **Director of Finance** | Financial irregularities |
| **Any Director or the Chief Executive** | Deliberate concealment of information or whole organisation impact |
| **The Chair of the Board** | Any of the above matters where the alleged matter is likely to be by or about a Director or the Chief Executive |

* 1. The Senior Manager must respond to the disclosure by arranging a meeting with you as soon as is reasonably practicable, but in any event no later than seven working days after the disclosure is first made. Even if the first meeting is of an exploratory nature it should normally take place within that period. If this cannot be achieved, this will be communicated to you as to why and with an agreed timeframe.
  2. The Senior Manager should assess what further investigation is required of the allegation and inform you of the nature and timescale of such investigation. Every effort will be made to fully complete investigations within 28 days.
  3. Appropriate authorities and additional relevant colleagues (Table 2) may need to be informed accordingly - where necessary they will be involved in the investigation process.
  4. Following the investigation, the Senior Manager must inform you of its outcome and, where relevant, agree the likely course of action that will be taken, along with a time period in which to ensure any action is to be completed by. Where we decide not to pursue the matter further, we will explain why.
  5. It must be noted that we may not be able to inform you of the precise action that is taken where this may infringe a duty of confidence owned by us to someone else or may interfere with any legal action we wish to take.
  6. If necessary, a further meeting may be held within an agreed time frame to discuss progress in remedying the situation and also to establish that you are satisfied that their concerns have been dealt with and redressed.
  7. You may wish to be accompanied by a work colleague at meetings who may act as a companion. Non-employed persons making a disclosure may also wish to be accompanied at the meeting(s). In these circumstances, the organisation would appreciate knowing who will be accompanying the person making the disclosure, in advance of the meeting(s) taking place. A member of HR may also attend the meeting(s) to offer support and procedural advice.
  8. If you remain unhappy with the outcome, you are able to escalate your concerns for review. To do so you will be required to put in writing that you are not happy or in agreement with the outcome and your reasons for this. A more senior manager than the person who was responsible for investigating and feeding back the outcome of your complaint will then review the case, any supporting documentation and process undertaken alongside your concerns or discrepancies.
  9. Once the more senior manager has undertaken their review, they will share their findings and decision with you. This could be a recommendation of a further review of the case, or confirmation that they believe that the investigation has been thorough and recommend closure of the case. Their decision represents the end of MHA’s engagement in the process and if you remain unhappy with the outcome you can seek to escalate externally as outlined below.

1. Raising a Concern Externally - Procedure
   1. To make a protected disclosure externally, you must either:
   * Believe MHA would treat you unfairly if you made the disclosure internally.
   * Believe that your disclosure to MHA would result in concealing or destroying information about the wrongdoing.
   * Have previously disclosed the same or very similar information to MHA or
   * Believe it is an extreme circumstance where an exceptionally serious failure has occurred in the workplace.
   1. If a disclosure has previously been made internally but you are not satisfied that it is being adequately dealt with, or that it has been dealt with in a timely manner, then you should inform the Head of Department/Director, preferably in writing, that you intend to make a disclosure to an external body.
   2. Under the provisions of the Public Interest Disclosure Act 1998, colleagues may only make disclosures to one of the following:
   * Legal Adviser; or a
   * Minister of the Crown; or
   * Any appropriate statutory or regulatory body (see Appendix 1); or
   * The Charity Commission for matters relating to the proper administration of charities and funds.
   1. The disclosure must be believed to be true, made in good faith and not in order to make any personal gain.
2. Legal Protection
   1. Colleagues following the above procedures (for internal and external concerns) will be covered by legal protection under the Public Interest Disclosure Act and will be supported by MHA when they have acted in good faith regardless as to whether any subsequent investigation supports or refutes the complaint. This will include protection against any reprisal because they have raised a concern under the policy and any reprisal will be treated as a disciplinary matter which may lead to dismissal.
   2. Failure to follow the above procedure without justification will remove legal protection for colleagues under the Public Interest Disclosure Act and will render the colleague liable to summary dismissal, subject to the gross misconduct terms of the Discipline Policy. The same will apply where a colleague is found to have made a malicious allegation or a disclosure which is not found to be true, and it is clear that the colleague did not believe it to be true at the time when the disclosure was made.
   3. In addition, failure by a Manager, Director or by the Chief Executive to respond to an allegation brought to their attention or submitting the person who has made the disclosure to any detriment as a result of having made the disclosure will also be deemed to be misconduct and will be managed in accordance with MHA’s Discipline Policy.
3. Roles and Responsibilities

| Role | Responsibilities |
| --- | --- |
| **All Colleagues** | * All those referred to within the Scope of this policy are required to adhere to its terms and conditions. * Colleagues must understand that this policy is also incorporated into their contract of employment. * Ensure that where there is a reasonable belief relating to wrongdoing in the workplace, concerns are raised in a timely manner. |
| **Line Management** | * It is the responsibility of any Manager to whom a disclosure is made to seek to resolve concerns in a timely and effective manner. * Dependent upon the nature of the concern, line managers may need to liaise accordingly with additional relevant colleagues as outlined in table 2. |
| **Senior Management (AM / RD / Head of Service)** | * Ensure the correct procedure is followed as set out in relevant clause(s). |
| **Relevant Additional Colleagues (table 2).** | * Ensure the correct procedure is followed as set out in relevant clause(s). |
| **HR Team** | * We will keep a confidential record of whistle-blowing concerns on MHA’s Case Management system. This will be held in accordance with relevant data protection legislation. * The HR Team will monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let one of the team know. |
| **Audit and Risk committee (ARC)** | * Reports of disclosures made, timeframes and action taken will be reported to the Audit and Risk Committee on a quarterly basis along with themes and areas of concern. |
| **Executive Leadership Team (ELT)** | * Ensure the correct procedure is followed as set out in relevant clause(s). |
| **Chief Executive Officer (CEO)** | * Ensure the correct procedure is followed as set out in relevant clause(s). |
| **The Board** | * The Board is responsible for this policy and will review it annually. |

1. Training and Monitoring
   1. Compliance is assessed through direct observation, monitoring, and supervision of our colleagues.
   2. Concerns received through the whistleblowing process will be monitored during MHA’s governance forums.
2. Communication and Dissemination
   1. This policy is disseminated and implemented within all MHA services through MHA’s channels of communication.
   2. Each colleague’s line manager must ensure that all teams are aware of their roles, responsibilities.
   3. This policy will be available to the people we support and their representatives in alternate formats, as required.
   4. Any review of this policy will include consultation with our colleagues, review of support planning, incident reports, quality audits and feedback from other agencies.
   5. Queries and issues relating to this policy should be referred to the Standards and Policy Team [policies@mha.org.uk](mailto:policies@mha.org.uk).
3. EDI Impact Assessments
   1. An Equality, Diversity, and Impact Assessment (EIA) was completed. The EIA found that the following protected characteristics could be impacted by this policy:
   * Age
   * Disability
   * Race and Ethnicity
   1. As a result, amendments were made to the policy which are detailed in the EIA.
   2. Further reasonable adjustments to our policies, practices, and procedures, where recommended by Occupational Health and / or Access to Work will be made if necessary.
   3. For access to the EIA, contact [policies@mha.org.uk](mailto:policies@mha.org.uk)
   4. For further information and support around reasonable adjustments, please contact a member of the HR Team at [hr@mha.org.uk](mailto:hr@mha.org.uk)
4. Resources
   1. **MHA policy documents, procedures, and guidance:**
   * Whistleblowing Poster
   * Safeguarding Adults Policy
   * Resolution Policy
   * Bullying and Harassment
   * Complaints Policy & Procedure
   * Code of Conduct and Professional Behaviour Policy
   * Discipline Policy
   * On-Call and Call-out Policy
   1. **External Resources**
   * [Protect Charity](https://protect-advice.org.uk/)
5. Version Control

| Version | Version Date | Revision Description / Summary of Changes | Author and Review Panel | Next Review Date |
| --- | --- | --- | --- | --- |
| 7 | June 2023 | * New Independent Advice and Support integrated. * Inclusion of dedicated whistleblowing inbox [whistleblowing@mha.org.uk](mailto:whistleblowing@mha.org.uk) * Clarity on reporting process and responsibilities. * Inclusion of escalation process for raised concerns. | * Director of People and Communication * Head of People * Standards and Policy Manager | June 2025 |
| 8 | December 2023 | * Addition of Equality Impact Assessment (EIA) outcomes. | * Equality, Diversity, and Inclusion Manager * Head of People * Standards and Policy Manager | June 2025 |
| 9 | January 2024 | * Reference to ‘Inland Revenue’ updated to HMRC. | * Standards and Policy Manager | June 2025 |
| 10 | June 2024 | * Appendix 1 Statutory and Regulatory contacts updated. | * Standards and Policy Manager (EB) | June 2025 |
| 11 | October 2024 | * Updated reference to Resolution Policy from Grievance Policy * Removed Policy codes, updated branding | * Standards and Policy Manager | June 2025 |

1. Appendices
   * Appendix 1 - Appropriate statutory or regulatory bodies

Appendix 1: Appropriate statutory or regulatory bodies

* + 1. Statutory regulators and other regulatory bodies to whom a whistleblowing disclosure may be made.

| **Regulator (A-Z)** | **Descriptions of matters** |
| --- | --- |
| [Auditor General for Wales](https://www.audit.wales/about-us/auditor-general-wales) | The proper conduct of public business, value for money, fraud, and corruption in relation to the provision of public services. |
| [Care Inspectorate Wales (CIW)](https://www.careinspectorate.wales/) | Social and Care services in Wales |
| [Care Quality Commission (CQC)](https://www.cqc.org.uk/) | Social Care Services in England |
| [Charity Commission for England and Wales](https://www.gov.uk/government/organisations/charity-commission) | The proper administration of charities and of funds given or held for charitable purposes. |
| [Controller and Auditor General of the National Audit Office](https://www.nao.org.uk/about-us/#:~:text=The%20Comptroller%20and%20Auditor%20General,Gareth%20Davies%2C%20leads%20the%20NAO.) | The proper conduct of public business, value for money, fraud, and corruption in relation to the provision of centrally funded public services. |
| [Information Commissioner's Office](https://ico.org.uk/) | Compliance with the requirements of legislation relating to data protection regulations. |
| [Older People’s Commission Wales](https://olderpeople.wales/) | Matters relating to the rights and wellbeing of older people in Wales |
| [Director of Serious Fraud Office](https://www.sfo.gov.uk/about-us/) | Serious or complex Fraud |
| [Environment Agency](https://www.gov.uk/government/organisations/environment-agency) | Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout. |
| [Financial Conduct Authority (FCA)](https://www.fca.org.uk/) | The carrying on of investment business or of insurance business; the operation of banks, deposit-taking businesses, and wholesale money marketing regimes; the functioning of other financial regulators; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority. |
| [Fundraising Regulator](https://www.fundraisingregulator.org.uk/) | For concerns relating to fundraising, people may complain directly to the Fundraising Regulator. |
| [Health and Care Professions Council](https://www.hcpc-uk.org/) | About social care workers in England and Wales |
| [Health and Safety Executive](https://www.hse.gov.uk/) | Matters which may affect the health or safety of any individual at work; matters, which may affect the health or safety of any member of the public, arising out of or in connection which the activities of persons at work. |
| [HMRC](https://www.gov.uk/government/organisations/hm-revenue-customs) | About administration of UK taxes; national insurance and tax credits. |
| [Homes and Communities Agency (HCA)](https://www.gov.uk/government/organisations/homes-and-communities-agency) | Regulator of Social Housing |
| [Housing Ombudsman Service](https://www.housing-ombudsman.org.uk/) | Property related concerns in England and Wales, the Housing Ombudsman Service (residents of Methodist Homes Housing Association). |
| [Independent Dispute Resolution Scheme](https://consumercode.co.uk/home-builders/how-are-complaints-dealt-with/how-does-the-independent-dispute-resolution-scheme-work/) | Concerns about construction defects may be referred to the Consumer Code (for Home Builders) Independent Dispute Resolution Scheme. |
| [Local authorities](https://www.gov.uk/find-local-council) | Matters which may affect the health or safety of any individual at work; matters, which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work.  Compliance with the requirements of consumer protection legislation. |
| [Secretary of State for Trade and Industry](https://www.gov.uk/government/ministers/secretary-of-state-for-international-trade) | Fraud, and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing.  Consumer safety. |
| [The Care Council for Wales](https://socialcare.wales/) | About social care workers in Wales |
| [The Nurse and Midwifery Council](https://www.nmc.org.uk/) | Professional regulatory body for Registered Nurses |
| [The Pensions Regulator](https://www.thepensionsregulator.gov.uk/) | Matters relating to occupational pensions schemes and other private pension arrangements. |
| [The Property Ombudsman](https://www.tpos.co.uk/) | Property related concerns in England and Wales, The Property Ombudsman (residents of Methodist Homes). |
| [Welsh Ministers](https://www.gov.wales/cabinet-secretaries-and-ministers) | About the provision of health care by and for the Welsh NHS bodies |