



Raising Issues of Concern Policy (Whistleblowing)

Introduction

1.1 The JCCP is committed to the highest standards of openness, probity and accountability. Accountability and transparency requires a mechanism that allows JCCP Members and Employees to voice concerns about breaches or failures in a reasonable and effective manner.

1.2 This policy provides a procedure for JCCP Members and Employees to raise concerns about a perceived wrongdoing openly, confidentially or anonymously, where there is a public interest element. It aims to help people who believe they have discovered malpractice or impropriety and to protect them from victimisation and reprisal should they raise concern in the public interest.

1.3 This is often known as ‘whistleblowing’, which is the reporting of information which relates to suspected wrongdoing at work, including possible unlawful conduct, fraud, risks to the public or malpractice. This is not the same as a grievance, which relates to a dispute about an employee’s own employment position and has no additional public interest dimension.

1.4 Ordinarily you should discuss any concerns you have about suspected wrongdoing with the Executive Chair and Registrar of the JCCP or where this is inappropriate with the JCCP Vice Chair. This is referred to as open whistleblowing.

1.5 If you do not feel that this is possible or appropriate in the circumstances of your concern you may use the following procedure and be reassured that you can expose wrongdoing without risk to yourself.

Purpose

2.1 The JCCP is committed to good governance within the JCCP and wants to create an environment in which all JCCP Members and Employees understand their responsibilities and in which Trustees and managers are accountable for its actions.

2.2 We recognise that JCCP Members and Employees are often the first to realise that something may be wrong within the organisation, so JCCP Members and Employees are encouraged to raise reasonable concerns about wrongdoing at the earliest possible stage rather than wait for proof. This is known as 'whistleblowing'.

2.3 The aims of this policy are:

- To encourage JCCP Members and Employees to report suspected wrongdoing as soon as possible, safe in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected if requested.
- To provide JCCP Members and Employees with guidance as to how to raise those concerns.
- To reassure JCCP Members and Employees that they should be able to raise concerns without fear of reprisals, even if they turn out to be mistaken.

2.4 The policy applies to all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

Responsibility for this policy

3.1 The JCCP Board of Trustees has overall responsibility for approving the policy, and the Executive Chair and Registrar has responsibility for overseeing and reviewing the effectiveness of actions taken in response to concerns raised under the policy and to provide assurance to the JCCP Board of Trustees.

3.2 A recipient of a whistleblowing disclosure as set out in this policy will, within five working days, report the content of the complaint and the proposed investigation procedure to the JCCP's Vice Chair. If a disclosure has been made confidentially, the name of the worker will not be included in this report without the worker's prior consent.

3.3 The JCCP's Vice Chair is the designated Whistleblowing Officer and has day-to-day operational responsibility for the policy and must ensure that anyone who deals with matters under this policy is suitably experienced or trained. Where the JCCP's Vice Chair has a conflict of interest in dealing with any particular disclosure raised the designated officer will be the JCCP's Executive Chair and Registrar who may act as designated officer or appoint another person.

3.4 JCCP Trustees, Members and Employees and everyone working on behalf of the JCCP are responsible for the success of the policy and are encouraged to suggest ways in which it might be improved.

Whistleblowing disclosures

4.1 A 'whistleblowing disclosure' is a report of information which an individual reasonably believes suggests that one of the following has occurred or may do so:

- a. a criminal offence, for example fraud, financial irregularity, improper or unauthorised use of public funds, bribery or corruption etc;
- b. someone's health and safety is put in danger;
- c. damage to the environment;
- d. a miscarriage of justice;
- e. breaking the law;
- f. covering up wrong doing described in a-e above.

4.2. JCCP Members and Employees who have information about suspected wrongdoing or danger in relation to our activities should report it under this policy. JCCP Members and Employees should have a reasonable belief that raising the concern is in the public interest and should not raise malicious or vexatious matters that are not in the public interest.

4.4 If you are unsure about whether anything is within the scope of this policy you should seek advice from the JCCP's Vice Chair.

How to make a disclosure

5.1 Disclosures can be made in person or in writing to the JCCP's Vice Chair, who is the designated 'Whistleblowing Officer'.

5.2 You can also raise the matter with any member of JCCP Board of Trustees including the Executive Chair and Registrar of the Board Chair.

5.3 When making a disclosure under this policy, you should try to provide the following information:

- the background and any reason behind the concern;
- whether you have already raised the concern with anyone, and their response;
- any relevant dates; and
- if you have a personal interest in the matter, you must declare this when raising the concern.

Confidentiality and anonymity

6.1 The JCCP will treat all disclosures in a confidential and sensitive manner.

6.2 You are encouraged to put your name to any report you make. Disclosures made without giving your name will be considered at the designated officer's discretion but they are more

difficult to investigate fully. The factors that the designated officer will take into account in deciding whether to exercise discretion to investigate disclosures made anonymously are:

- the seriousness of the issue(s) raised;
- the credibility of the concern; and
- the likelihood of being able to validate the allegation.

6.3 If you put your name to your report, you may ask that your identity be kept confidential; the recipient of your disclosure will make every effort to protect your identity.

Investigation

7.1 Following receipt of a disclosure, the person contacted must report the matter to the JCCP's Vice Chair who will make a decision on how to proceed. If the JCCP's Vice Chair is subject to a conflict of interest or if the disclosure relates to the Vice Chair, the report should be made to the JCCP's Executive Chair and Registrar.

7.3 The JCCP's Vice Chair will lead the investigation or appoint an investigation manager and/or team of investigators including persons with relevant experience of investigations or specialist knowledge of the subject matter including external investigators. The investigation must be conducted thoroughly and impartially in line with the JCCP's values and service principles.

7.4 The investigation manager will be responsible for:

- sending a written acknowledgement of the disclosure to the reporting worker.
- ensuring the worker is aware of and understands this policy;
- protecting the identity of the worker, where possible;
- informing the person/people against whom the disclosure has been made as soon as possible-but not at a time or in such a way as to impede a thorough and full investigation;
- ensuring the allegation is investigated as quickly as possible without affecting the depth and quality of the investigation;
- protecting the effective operation of the organisation to the extent possible in the circumstances of the case;
- consider whether internal or external auditors, or the Police, need to be involved;
- keeping the worker informed in writing of the progress of the investigation and its likely timescale;

7.5 Usually you will be offered an interview in confidence as soon as possible after the initial disclosure in order for an initial assessment to be carried out. You can be accompanied by another person for support at the interview.

7.6 We will give you feedback about how we intend to deal with the disclosure made. This may be the JCCP's Vice Chair or the person you reported the concern to. You may be invited to attend additional meetings in order to provide further information.

7.7 However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

Outcome

8.1 The investigator(s) may make recommendations in the report to enable the JCCP to minimise the risk of future wrongdoing and may also recommend disciplinary action or a wider investigation.

8.2 The JCCP's Vice Chair will submit the report and recommendations of the investigator to the appropriate person, who will consider the investigator's report and may accept the recommendations in whole or in part and arrange for the JCCP to put arrangements in place to implement the recommendations. The JCCP's Vice Chair will submit the report to the Executive Chair and Registrar of the JCCP. If considered more appropriate the investigator's report may be referred to the JCCP Board of trustees who will then consider the report and may accept the recommendations in whole or in part. The JCCP Board of Trustees may direct the Executive Chair and Registrar to put into effect arrangements for implementing the recommendations.

8.3 If you are dissatisfied with the outcome, you may raise your concern with the Executive Chair and Registrar of the JCCP.

8.4 The JCCP recognises the rights of people to make disclosures to prescribed persons such as the National Guardians Office (see references/links below) Health and Safety Executive and the National Audit Office, or, where justified, elsewhere. A full list of these prescribed bodies or persons can be found on the www.gov.uk website.

Protection and support for Whistleblowers

9.1 It is understandable that those making disclosures are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise reasonable concerns under this policy, and no action will be taken if the investigation does not confirm the allegation made.

9.2 Anyone making a disclosure must not suffer any detrimental treatment as a result of making a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with making a disclosure. If you believe that you have suffered any such treatment, you should inform the JCCP's accountable Whistleblowing Officer, the JCCP's Vice Chair, immediately.

9.3 The JCCP will not tolerate any harassment or victimisation of staff raising concerns in the public interest. You must not threaten or retaliate against anyone raising a concern in any way. If you are involved in such conduct, you may be subject to a disciplinary process.

9.4 During an investigation into a disclosure, every effort will also be made to protect JCCP Members and employees and/or other persons cited within the disclosure, and steps may include:

- not identifying those concerned before any investigation of the disclosure has been completed, except where there is a legal obligation to do so, or to a professionally qualified lawyer to get legal advice or unless not identifying them would be prejudicial to the investigation; and
- in some cases, moving anyone involved from the area of work concerned whilst the investigation is being carried out.

9.5 All records relating to disclosures, subsequent investigation and actions taken must be managed in compliance with the Data Protection Act 2018.

9.6 You can also obtain confidential advice from the National Guardian's Office. This is an independent charity and is a leading authority on public interest whistle blowing. Reporting Outcomes

9.7 The Executive Chair and Registrar of the JCCP Board will consider whether any form of public reporting through its Board and/or Committees is appropriate

The names of the JCCP Board Trustees members are published on the JCCP's external website

FAQs

10.1 Can I raise a concern confidentially?

Yes

10.2 Can I make a disclosure anonymously?

It is best to identify yourself, whether openly or in confidence, as this makes it easier to investigate a report and take appropriate action. It may not be possible to protect or reassure a person making a report if we do not know who you are.

10.3 What information should I provide?

It is helpful to provide supporting evidence such as dates, times and names although this is not required under the legislation and we encourage concerns to be raised as soon as possible.

10.4 Is a complaint or grievance different from whistleblowing?

Anyone raising a concern does not usually have a personal interest in the outcome and tend not to be affected directly. Whistleblowing occurs where there is suspected wrongdoing that affects others.

Whistleblowing disclosure must relate to a wider interest, for the organisation or a number of workers. This does not mean there is an actual public interest but whether the person raising a concern reasonably believes them to be in the public interest.

References

The National Guardians Office:

<https://nationalguardian.org.uk/about-us/>

<http://freedomtospeakup.org.uk/the-report/>

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