

Whistle blowing procedure

Endeavour is committed to conducting business with honesty and integrity, providing safe high quality services. We want everyone who works for us to feel able to speak up about any concerns, and to feel confident that they will be listened to and supported.

Open communication is encouraged from those who work for Endeavour and any member of staff should feel secure about raising any concerns. Creating a culture of “freedom to speak up” is a key part of how we make sure we provide safe, effective and well led services.

This procedure applies to Endeavour employees, officers, consultants, contractors and to other workers including agency workers, casual workers, volunteers, interns and homeworkers.

Individuals who make public disclosures, about wrongdoings in the workplace are commonly referred to as “whistleblowers”. In the past, whistleblowers were sometimes dismissed or victimised by their employers, which discouraged ‘whistle blowing’. However, ‘whistleblowers’ now have legal protection under certain circumstances.

Not all ‘whistle blowing’ is protected. The legal protection is only for ‘qualifying disclosures’, which must relate to:

- Committing a criminal offence,
- Failing to comply with a legal obligation,
- A miscarriage of justice,
- Endangering the health and safety of an individual,
- Environmental damage,
- Sexual harassment, or
- Concealing any information relating to the above.

Endeavour is committed to good practice and high standards and to being supportive to individuals who raise genuine concerns, even if they turn out to be mistaken. However, to ensure the protection of all working for Endeavour, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true may also be liable to disciplinary action.

Protected disclosures

All individuals have protection under whistleblowing laws if they raise concerns in the correct way and are protected if they make a qualifying disclosure to a person or body specified in the legislation and under these circumstances a qualifying disclosure becomes a ‘protected disclosure’.

Employer or responsible person

Individuals are protected if they make a qualifying disclosure to their employer.

Alternatively, if an individual makes any qualifying disclosure to *Protect*, an independent whistleblowing charity (0203 117 2520), the disclosure also becomes a protected disclosure.

If an individual makes a qualifying disclosure about a person who is not the employer (e.g. a supplier), or if it is about something for which a person other than the employer is responsible (e.g. a contractor), this is also a protected disclosure if it is made to that person.

Legal advisor

A qualifying disclosure is a protected disclosure if it is made in the course of obtaining legal advice.

Prescribed persons

A qualifying disclosure also becomes a protected disclosure if it is made directly to a person or body prescribed for that purpose. For example, a qualifying disclosure made to the Environmental Agency is only a protected disclosure if it is made in connection with acts or omissions that have an actual or potential effect on the environment. If the same disclosure was made to the Civil Aviation Authority, for example, it would not be a protected disclosure.

A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available on the GOV.UK website:

www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-andbodies--2

Disclosure in other cases

If an individual reasonably believes that:

- they will suffer a detriment if they make a disclosure in accordance with one of the above procedures, or
- there is no prescribed person and their employer may conceal or destroy evidence, or
- they have already made a disclosure to the employer or a prescribed person or body,

then a disclosure made in some other way may be a qualifying disclosure if the employee believes the information to be true, the disclosure is not made for personal gain and it is reasonable to make the disclosure.

In determining reasonableness, the following will be taken into account:

- the identity of the person to whom the disclosure was made,

- the seriousness of the failure,
- whether the failure is continuing or is likely to occur in the future,
- any action already taken by the employer or prescribed person,
- whether or not the employee made use of the employer's nominated person.

Disclosure of exceptionally serious failures

In the case of exceptionally serious failures a disclosure may be a qualifying disclosure if the employee believes the information to be true, it is not for personal gain and it is reasonable for the employee to make the disclosure.

Speed of action will often be of prime importance when there is an exceptionally serious failure. When determining reasonableness in this situation, the prime focus of attention will be on the identity of the person to whom the disclosure was made.

Procedure for raising a concern

A qualifying disclosure should be made to an individual's immediate line manager, or if this not possible due to them feeling that they are not able to tell their line manager, the issue should be raised with Management. A concern can be raised by telephone, in person or in writing. It is preferable for it to be made in writing and for details of the nature of the concern and any background or history of the concern to be included.

If a qualifying disclosure is made to Endeavour this will be dealt with appropriately, consistently, fairly and professionally. A meeting shall be arranged to discuss the concern raised. After the meeting further investigation may be carried out where necessary and a decision will be made on how to respond to the qualifying disclosure. Endeavour shall endeavour to complete investigations within a reasonable time.

When to use this procedure

There is a difference between whistleblowing and raising a grievance. Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it. A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work. This document does not set out the procedure that applies to general grievances. Individuals that have a complaint about their personal circumstances should use the grievance procedure.