



Whistleblowing (Public Interest Disclosure) Policy

Human Resources Policy	A2
Policy holder	HR Director
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1. POLICY STATEMENT

L'Arche actively promotes a speak-up culture and encourages anybody with serious concerns about any aspect of the organisation's work to voice those concerns without fear of reprisals. We highly value your feedback so that we can continue to improve our processes and practices while ensuring the wellbeing and safety of our members.

L'Arche is committed to the highest possible standards of openness, probity, and accountability. This policy seeks to encourage the voicing of concerns about current, future, or previous actions (or lack of actions) which may have or are likely to result in the abuse of people, a failure to comply with legal obligations, miscarriages of justice, a criminal offence being committed, the health and safety of any individual being endangered, damage to the environment, fraud or corruption or other unethical conduct.

We expect employees, and others that we deal with, who have serious concerns about any aspect of L'Arche's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

L'Arche will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

In 1999, the Public Interest Disclosure Act came into force and quickly became known as the 'Whistleblowers Act'. This policy is designed to apply the provisions of the Act and support our commitment to openness.

'Whistleblowing' is speaking out about suspected or alleged malpractice or wrongdoing in the workplace. L'Arche recognises the important role people working for and within the organisation can play in the identification of malpractice or wrongdoing.

L'Arche Communities are people with and without learning disabilities, sharing life together in communities belonging to an international federation. Mutual relationships are at the heart of this shared life. Providing high quality, professional support and care services is a key part of how we live out our mission.

2. PURPOSE OF WHISTLEBLOWING

Employees are often the first to realise that there may be something seriously wrong within L'Arche. However, they may not express their concerns because they feel that speaking up would be disloyal

to their colleagues or to L'Arche. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Public Interest Disclosure policy is intended to:

- Provide a mechanism for raising concerns about possible wrongdoing
- Ensure that all allegations are fully considered and investigated
- Ensure feedback is provided to the whistleblower on actions taken in response to allegations
- Outline the steps to be taken if the response is not to the whistleblower's satisfaction
- Reassure any person making a disclosure that they will be protected from possible reprisals or victimisation if they have a reasonable belief that wrong doing has, is, or will take place, and that any disclosure has not been made for malicious reasons or in pursuit of a personal grudge.

This policy seeks to encourage the voicing of concerns about current, future or previous actions (or lack of actions) which may have or are likely to result in:

- Abuse of people with or without learning disabilities (abuse is interpreted widely and covers, but is not limited to, physical, verbal, sexual, psychological, discriminatory, domestic, and abuse of power or position)
- A failure to comply with legal obligations
- Miscarriages of justice
- A criminal offence being committed
- The health and safety of any individual being endangered
- Damage to the environment
- Fraud or corruption
- Other unethical conduct.

3. APPLICATION

This policy applies to all those with an employed role, volunteers, and trustees. This policy is not intended to cover concerns or issues that fall within the scope of other procedures, for example the Grievance policy. Note also that the policy on SC01a/SC01b Adult Protection / Safeguarding imposes obligations of external reporting via notifications to the Local Authority and the care regulator on all parties in L'Arche.

4. RESPONSIBILITIES OF L'ARCHE

It is the duty of the Community Leader and others who hold responsibility to ensure that all concerns raised are fully investigated within the prescribed timescales. Following an investigation, the Community Leader or another designated person will provide the whistleblower with feedback on any action taken, and the reasons for taking such action. L'Arche will take all reasonable steps to maintain the confidentiality of anyone who raises issues via this policy. However, it must be appreciated that the investigation process may reveal the source of any information, and a statement may be required from an individual as part of any evidence. When formal disciplinary or criminal proceedings are likely to ensue, anonymity cannot usually be maintained. A full record of concerns and actions taken on any matter raised with respect to this policy will be made.

5. RESPONSIBILITIES OF INDIVIDUALS

The Public Interest Disclosure policy is designed to encourage and enable people to raise serious concerns within an organisation rather than overlooking matters or placing them into the public domain. It is acknowledged that people might find great difficulty in raising a concern, but everyone has a duty to report matters that may fall into the above categories. Everyone also has a responsibility to the community to ensure that serious concerns are addressed. This policy should be applied where the whistleblower feels that their serious concerns have not been addressed by their line manager or above. Where an allegation is made frivolously, or maliciously disciplinary action may be taken.

6. WHO SHOULD YOU CONTACT IF YOU NEED TO WHISTLEBLOW?

L'Arche has an email address specifically for the purpose of receiving whistleblowing concerns which is monitored by Sarah Harrison (HR Director). Please email: iamconcerned@larche.org.uk. If possible concerns should be made in writing, setting out the background and history of the issue and why the situation is of concern, providing names, dates and places wherever possible. People who feel unable to put their concerns in writing, or would prefer to talk them through should call Sarah Harrison (HR Director) on **07703 729 840**.

If you feel you need to raise your concern outside of the normal structures please contact **Jane Brown** who is a National Trustee of L'Arche and is our organisational lead for whistleblowing. Her phone number is: **07925 787 101**. Her email is: contactjanewhistleblower@gmail.com

Or you can email ireport@larche.org where your email will be received and responded to by a member of the International Leadership Team. We would recommend that you only use this pathway if your issue relates to a community outside of the United Kingdom.

7. HOW L'ARCHE WILL RESPOND

An initial investigation will be conducted in order to identify the most appropriate course of action. Action taken by L'Arche will depend upon the nature of the concern. The matters raised may be:

- Investigated internally
- Referred to the relevant Regulatory and Inspection Authority
- Referred to Social Services or the regulator
- Referred to the police.

L'Arche will within five working days of the issue being formally raised write to the person raising the concern:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling them whether any initial enquiries have been made
- Telling them whether further investigations will take place, and if not, why not.

Where an individual attends any meeting arranged as part of the investigation process, he/she has the right to be accompanied by an accredited official of a Trade Union, or by a colleague.

Subject to legal constraints, the person will receive information about the outcomes of any investigations to assure them that action has been taken and that the matter has been properly addressed.

Confidentiality

Whistleblowing processes are often difficult, sensitive processes for all concerned. During these processes L'Arche seeks to maintain the confidentiality of all involved in the process in accordance with best practice and GDPR and expects all parties involved in the process to maintain similar confidentiality. L'Arche will be able to confirm that a process has finished but will not be able to share information about specific actions that may or may not be taken against individuals involved in the case.

Appeals

If the issue has not been resolved to your satisfaction you may appeal in writing to the appropriate person stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within ten working days of receiving your written appeal.

Wherever possible, this will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present).

You have a right to bring a companion to the meeting as detailed above.

We will confirm our final decision in writing, usually within ten working days of the appeal hearing.

8. DISCLOSING CONCERNS TO EXTERNAL AGENCIES

This policy is intended to provide you with an avenue within L'Arche to raise concerns. We hope you will be satisfied with any action taken. **If you are not, and if you feel it is right to take the matter outside of L'Arche, you should contact an external agency some of whom are stated in section 8. You should not have any fear of reprisals from within L'Arche for doing this.**

Note also that the Care Regulator (the Care Inspectorate in Scotland, CIW in Wales, or CQC in England) can be contacted at any time in the process.

Advice and guidance on how matters of concern may be pursued can also be obtained from Public Concern at Work on 020 7404 6609 or www.pcaw.org.uk Employees may invite a representative from their recognised trade union or professional association to raise a matter on their behalf.

If the person feels that the matter has not been dealt with satisfactorily, or if the person wishes to take an external route instead of approaching a L'Arche representative, the following are possible contacts if they wish to take the matter further:

- Regulatory Authority for Support and Care, the number to call is as follows: Care Inspectorate in Scotland 0845 6009527; Care Quality Commission in England 03000 616161; Care Inspectorate Wales 0300 7900 126
- Commissioning Authorities
- Internal/external auditors
- Regulatory agencies such as Health and Safety Executive, Environment Agency
- The individual's solicitor
- The Police.

L'Arche encourages people to use the internal procedure first but acknowledges the right of individuals to take their concerns to an appropriate external source if they so wish.

9. UNREASONABLE, VEXATIOUS, AND PERSISTENT WHISTLEBLOWING COMPLAINTS

It is important to distinguish between people who make a number of whistleblowing complaints because they really think things have gone wrong, and people who make unreasonable persistent complaints. If the whistleblower is persisting because his/her complaints have not been considered in full then we must address this. If we have already done this and informed the whistleblower, then we should consider whether the complainant is now inappropriately persistent. Where we have attempted to move the complaint on, but the whistleblower has either refused or delayed such progression through excessive objection to the process rather than addressing the substantive issues of the complaint itself, we should advise the whistleblower that this is causing delay and is unreasonable in our view. If we decide to treat someone as an unreasonably persistent whistleblower, we should write to tell the complainant why we believe their behaviour falls into this category and what action we are taking and for how long.

10. OTHER L'ARCHE POLICIES THAT MAY BE RELEVANT

In addition to this policy, there are several other L'Arche policies connected with raising concerns. These are in the Support and Care policy section and the L'Arche Handbook, all of which can be found on the intranet.

Support and care

- SC01a Adult Safeguarding (England and Wales) policy
- SC01b Adult Support and Protection (Scotland) policy
- SC04 Personal and professional boundaries policy
- SC06 Complaints and compliments policy.

L'Arche handbook

- A1 L'Arche Code of Conduct
- A3 Raising Concerns
- A4 Equality, Diversity, and Inclusion policy
- A5 Harassment and Bullying policy
- A6 Sexual Harassment policy
- B10 Supervision policy
- B13 Grievance policy.

10. RELEVANT LEGISLATION

Public Interest Disclosure Act, 1998.