Physis Care

Whistleblowing Policy

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Approved by:	M Johnson
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Physis Care
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Whistleblowing Policy

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1. Policy Purpose, Principles and Scope

1.1 Physis Quantum (Herein referred to as Physis or the Company), is committed to conducting our business with the highest possible standard of openness, probity, and accountability and, in-line with this commitment we are ensuring that employees are aware of the Public Interest Disclosure Act 1998 (PIDA) and know how to 'Whistleblow'.

1.2 This policy provides guidance to those employees who wish to report a wrongdoing or danger in good faith, which is in the public's interest, in relation to our business processes. It intends to:

- Encourage employees to feel confident in raising serious concerns.
- Provide avenues for employees to raise those concerns and receive feedback on any action taken.
- Ensure that employees/whistle-blowers receive a response to their concerns and that they are aware of how to pursue them if not satisfied.
- Reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosures in good faith.

1.3 This policy covers all employees of Physis, workers, external agencies, contractors, volunteers, Board members and agency workers.

1.4 This policy does not form part of any employee's contract of employment, and it may be amended, deviated from, or dis-applied at the Company's sole discretion.

1.5 This policy does not apply to internal issues or personal problems which are *not in the public interest*. Disharmony between employees, or complaints about an employee's own contract of employment for example, should be raised through normal line management processes, the Grievance Policy, or other appropriate policies.

2. What is whistleblowing?

2.1 Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to an organisation's activities. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations. *The wrongdoing disclosed must be in the public interest.* This means it must affect a wider population than the employee/s, for example the general public.

2.2 Disclosures are only protected by the PIDA if they are made to the employee's employer, prescribed person, or a regulatory body. The Department for Business, Energy and Industrial Strategy (BEIS) has published a list of the prescribed bodies to whom employees and workers can make a protected disclosure for example, The Health & Safety Executive. The external disclosure must usually be raised with the employer or a prescribed person first. In some circumstances it may be acceptable that the disclosure has not been raised internally, for example, because the worker believes their evidence would be destroyed.

3. How to raise a concern

3.1 To raise a concern formally under this Whistleblowing procedure Physis employees / associates should:

- Contact the **Managing Director [M Johnson], or the Whistleblowing Officer [J Milton]**. Contact details are at the end of this policy.
- Put the concern/allegation in writing, including the background and history relating to the concern (giving relevant times, dates, evidence collected), and where further evidence could be obtained.
- Specify why the situation is of particular concern and how it is in the public interest.
- Raise the concern as soon as is possible.

3.2 Anonymous allegations are much less powerful and more difficult to investigate, and this policy encourages whistleblowers to put their name to concerns expressed. However, anonymous allegations will still be considered but assessed on the:

- Seriousness of the issues raised;

- Credibility of the concern; and
- Likelihood of confirming the allegation from attributable sources.

4. How the company will respond

4.1 Physis will consider if the matters raised fall within the remit of a Public Interest Disclosure as defined by the 1998 Act. If necessary, legal advice will be taken to ascertain if an investigation is required, or if an alternative policy / route should be invoked.

4.2 If the concern is covered by this policy, it may:

- Be investigated by leaders, internal audits etc;
- Be investigated by the Company's Human Resource providers;
- Be referred to the police, or other such external agencies;
- Be referred to the external auditor;
- Form the subject of an independent inquiry.

4.3 The overriding principle which the Company will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally also be referred for consideration under those specific procedures.

4.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

4.5 Within ten (10) working days of a concern being raised formally, a Company representative will write to the whistle-blower and acknowledge that a concern has been received and give an outline of the planned response.

4.6 The amount of contact between the person/s investigating the issues and the whistle-blower will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Company will seek further information from the whistle-blower.

4.7 The Company accepts that the whistle-blower will need assurance that the matter has been properly addressed and, subject to legal constraints or matters that may prevent a fair and thorough investigation, they will be kept informed of developments every twenty-eight days (28), and the outcome of any investigation.

5. Confidentiality

5.1 We hope that employees will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If employees want to raise a concern confidentially, Physis will make every effort to keep the identity of the whistleblower secret and only reveal it where necessary e.g. to those involved in investigating your concern. However, complete anonymity cannot be guaranteed.

6. External disclosures

6.1 The aim of this policy is to provide an *internal* mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases employees should *not* find it necessary to alert anyone externally.

6.2 The law recognises that in some circumstances, it may be appropriate for employees to report concerns to an external body such as the Police, the Health & Safety Executive, Social Services, if the situation has not been remedied internally. We strongly encourage you to seek advice before reporting a concern to anyone externally. 'Protect-advice.org.uk' is an independent, national organisation that operates a confidential helpline in relation to Whistleblowing.

7. Protection and support for whistleblowers

7.1 We aim to encourage openness and will support whistleblowers who raise *genuine* concerns under this policy, even if they turn out to be mistaken. Legislation is in place to protect employees from suffering detriment for whistleblowing.

7.2 Whistleblowers are protected by law if they can demonstrate that what they disclose:

- Fits into one of the categories of a qualifying disclosure.
- Is in the public interest.

7.3 **Qualifying disclosures** are where it can be shown that the company or an individual has committed, is committing, or will commit a relevant failure by: -

a. Committing a criminal offence.
b. Failing to comply with a legal obligation.
c. Being involved in a miscarriage of justice.
d. Endangering the health and safety of an individual.
e. Damaging the environment.
f. Concealing any information relating to the above.

7.4 Whistleblowers are not protected when making a qualifying disclosure if they:

- Commit a criminal offence by disclosing the information – for example accessing computer files that normally they wouldn't have access to.
- Breach legal professional privileged – for example if a legal adviser learns something when giving legal advice.

7.5 The whistleblower is expected to keep the confidentiality of the situation within the realms of any investigation or the whistleblowing process. Employees are advised that disclosures to the press and on social media would contravene expectations in the Employees' Handbook and would not normally be a legally protected disclosure.

7.6 If an employee believes that they have suffered any detrimental treatment as a result of whistleblowing, it should be reported immediately to the Managing Directoror the Whistleblowing Officer.

7.7 Employees must not threaten or retaliate against whistleblowers in any way. If employees are found to be involved in such conduct, they may be subject to disciplinary action.

8. Untrue/Malicious Allegations

8.1 Employees and associates are encouraged to use this procedure to make an allegation that is in the public interest if they have reasonable grounds for doing so. However, if the procedure has been invoked in bad faith for example, for malicious reasons, frivolously, or for personal gain, then employees may be liable to disciplinary action, including termination of employment, or private prosecution.

9. Monitoring and evaluation

9.1 The Managing Director has overall responsibility for the maintenance and operation of this policy within the Company. They will ensure the keeping of accurate records of concerns raised and the outcomes of proceedings, informing the Company's HR/Legal team and Board Members as necessary. If the concerns being raised are about the practice of leadership members, then the concerns should be raised with the Directors at a Board level.

10. Contacts

Whistleblowing Officer	J Milton Ph: 01948 667164 Email: Joanne.milton@physisgroup.co.uk
Director of Children's Services	Mel Johnson Ph: 01948 667164 Email: mel@physisgroup.co.uk
Protect-Advice (Independent whistleblowing organisation)	Helpline: 0203 117 2520 Website: https://protect-advice.org.uk

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