



**TIME OUT**  
fostering

*valuing individual needs*

## **SECTION SEVENTEEN**

# **PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING POLICY AND PROCEDURE**

**2007**

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#### **Policy**

In 1998 The Public Interest Disclosure Act came into force. It aims to provide protection against victimisation and dismissal for workers who 'blow the whistle' on fraudulent, criminal or dangerous activities. It aims to ensure that workers feel safer about exposing work concerns without fear of recrimination or dismissal. Time Out Fostering takes the issue of malpractice very seriously. It is very important that staff and other people involved with the agency feel able to raise their concerns in confidence. Staff can bypass the normal management line to express concerns if necessary.

Time Out Fostering reserves the right to invoke the disciplinary procedure for malicious or deliberately false allegations, made with the intent to cause harm to the company, employees or other stakeholders.

Public Interest Disclosure protection extends to the disclosure of certain types of information. Disclosure must be made in accordance with one of the specified procedures.

The Public Interest Disclosure Act defines the following categories of information;

- That a criminal offence is likely to be or has been committed, or that a person has failed, is failing or is likely to fail to comply with a legal obligation to which they are subject
- That a miscarriage of justice has occurred, is occurring or is likely to occur
- That the health and safety of an individual has been, is being or is likely to be damaged
- That the environment has been, is or is likely to be damaged
- That information relating to any of the above matters has been, is being or is likely to be deliberately concealed

The disclosure should be a 'reasonable belief'. This means it must be within the discloser's personal belief and have some factual basis. An employee who makes a protected disclosure under the Act cannot be dismissed.

The Act also outlines particular ways to disclose;

- Disclosure made by a worker in good faith to his/her employer or other responsible person
- Disclosure to a Minister of the Crown
- Disclosure to a prescribed person e.g. registration officers
- Disclosure in other cases – the worker must
  - Make the disclosure in good faith
  - Reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
  - Not to make the disclosure for personal gain

The following categories of worker are covered by the Act;

- Employees
- Independent contractors providing services
- Agency workers
- Home workers
- Trainees on vacation or work experience schemes
- NHS doctors/dentists/ophthalmologists/pharmacists

The extent of the protection depends upon the motives and beliefs of the discloser and the status of the recipient of the disclosed information. The disclosure can be made in good faith if made negligently or without due care as long as it is made honestly, however it cannot be made for personal gain e.g. promotion.

## Procedure

Time Out Fostering promotes openness in the workplace and the eradication of malpractice and misconduct and therefore supports the principles of the Public Disclosure Act. If any employee wishes to express any concern over fraudulent, criminal or dangerous activities in relation to the activities of Time Out Fostering then they are strongly encourage to go to their direct Line Management in the first instance. If this is inappropriate, then move up the management chain until appropriate. It is better for Time Out Fostering if the matter can be resolved internally.

The disclosure may take the form of a verbal or written report. Time Out Fostering will treat it respectfully and confidentially. The manager will arrange for the matter to be investigated by an appropriate person in the organisation, subject to any legal constraints, and will inform the discloser of the findings. Time Out Fostering will do everything possible to keep the identity of the discloser secret, if requested. There may be limitations to this e.g. if the report becomes subject to a criminal investigation and the discloser is called upon to be a witness.

If after the disclosure has been investigated the person who made the disclosure is still dissatisfied, then the report can be taken externally. This could be to a regulator or other appropriate agency. Good evidence may be required for this. It is recommended that prior to taking the report externally advice is sought from;

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