Scope

At Genius Within CIC (“the Company”), we are committed to the highest standards of openness, morality, and accountability.

It is important that Employees, Associates and Board Members of the Company feel safe and encouraged to voice concerns in a responsible and effective manner.

This Policy is designed to enable employees, Associates and Board Members of the Company to raise concerns internally, at a high level, and to disclose information which the individual believes shows malpractice or indecency. This Policy is intended to cover concerns which are in the public interest and may, at least initially, be investigated separately and then possibly lead to other procedures, for example, disciplinary. Employees do not need to wait for proof when reporting suspected wrongdoing: they only need to have a reasonable concern.

These concerns could include:

1. financial malpractice, indecency, or fraud
2. failure to comply with legal obligations or laws
3. dangers to health & safety or the environment
4. criminal activity
5. improper conduct or unethical behaviour
6. attempts to conceal any of the above

Individual Responsibility

In the Deepwater Horizon oil disaster, investigators after the fact found that a whole chain of managers, experts and specialists had foreseen some or most of the risks but hadn’t mentioned anything because they “didn’t want anyone to get into trouble” and were worried that if they were wrong, it would reflect badly on them.

It is a fundamental term of every employment contract and Associate Agreement that an employee or Associate will faithfully serve the Company and not disclose confidential information about our affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation, then this information should be disclosed internally without fear of reprisal, and there should be a process to enable this to be done independently of management. Loyalty is one of our values, but sadly loyalty to colleagues should not take precedence over loyalty to the ongoing safety of the wider company. It is therefore the responsibility of us ALL to call out malpractice or illegality if we see it, and to raise a whistleblowing concern if it is not resolved at source.

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below to ensure that no members of Genius Within CIC should feel at a disadvantage in raising legitimate concerns.

We want to emphasise that this Policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the Company, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing” procedures are in place, it is reasonable to expect individuals to use them rather than air their complaints outside of the Company or with multiple colleagues within the company. This will not help and could cause alarm and bring the company into disrepute, particularly if the concerns are found to be misunderstandings. Therefore, when you initiate this process, you do have to stick to its rules.

Safeguards

Confidentiality

The Company will treat all whistleblowing disclosures in a confidential and sensitive manner. Raising a whistleblowing concern does not get logged on your personal HR file. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Procedures for Making a Disclosure

Any employee, Associate or Board Member who believes they have evidence of malpractice should raise it directly to a Director unless that individual is involved in the issue. The list below shows the order in which people should be approached:

1. any Head of Department, unless they are implicated in which case;
2. the HR Manager, unless they are implicated in which case;
3. any Company Director, unless they are implicated in which case;
4. any Non-Executive Director, unless they are implicated in which case;
5. the Chair of the Board.

Send the person to whom you are disclosing an email with the word “Whistleblowing Concern” in this title.

The person approached initially with the issue will become the Investigating Officer and will be the single point of contact for the investigation.

If there is evidence of criminal activity, the Investigating Officer should inform the Police. The Company will ensure that any internal investigation does not hinder a formal police investigation.

What to do if you are not sure

You can contact any of the above people, in the same order, to ask for advice. If you want advice on whether something is whistleblowing or not, write “Request for advice on whistleblowing” in the email title and ask for a call with that person. They will be able to help you determine if what you have seen/heard is whistleblowing, a grievance, or simply needs to go through one of the 8 Drama 2 Calmer strategies. There is no comeback to you for asking the question.

Sometimes, you might be seeing a contributing part of a wider problem and naturally you might be unsure if you should report it or not. However, maybe there are 3 or 4 of you who are all seeing a small aspect, like the Deepwater Horizon employees. We encourage asking the question, so that the leadership team or Directors have a better chance of connecting the dots.

Anonymous Allegations

This Policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible but will be considered at the discretion of the Company.

In exercising this discretion, the factors to be taken into account will include:

1. the seriousness of the issues raised
2. the credibility of the concern
3. the likelihood of confirming the allegation from attributable sources

If you want to make an anonymous allegation, please use a written letter, and send it for the attention of the Directors, or a specific named director (as above) at the company Head Office.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the Police, it is not possible to lay down precise timescales. The Investigating Officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The Investigating Officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and report back to them in writing the outcome of the investigation and any actions that are to be taken.

If the investigation is a prolonged one, the Investigating Officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. As above, it is better to raise issues and have them resolved than not raise them. That said, in making a disclosure, the individual should exercise due care to ensure the accuracy of the information. Try to gather as much “clean” evidence of what you are concerned about, examples of emails or write down things that people actually say or do. On very rare occasions, an individual may make malicious or troublesome allegations that are part of an attempt to bully, harass or ostracise a colleague. In these cases, we must reserve the right to consider disciplinary action, and particularly if they persist with making allegations, having had initial concerns resolved.

Investigating Procedure

The Investigating Officer should follow these steps:

1. Full details and clarifications of the complaint should be obtained.
2. The Investigating Officer should inform the employee or Associate against whom the complaint is made as soon as is practically possible. They will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures (see the Disciplinary procedure for more details).
3. If deemed necessary, the employee or Associate will be suspended from work and, where relevant, their coaching clients will be handed to another Associate.
4. If needed, the Investigating Officer should consider the involvement of the Police at this stage.
5. The allegations should be fully investigated by the Investigating Officer with the full co-operation and assistance, where appropriate, of other individuals/bodies.
6. A judgment concerning the complaint, and validity of the complaint, will be made by the Investigating Officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment.
7. The Investigating Officer will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
8. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the outcome.

External Disclosure

It is hoped that this policy and procedure will provide anyone with concerns, the assurance they need to raise any whistleblowing issues with Genius Within internally. If the complainant is not satisfied that their concern is being properly dealt with by the Investigating Officer, they have the right to raise it in confidence with one of the designated people described above.

If following this the complainant is still not satisfied and feels it is right to take the matter outside of Genius Within, the disclosure should be made to the following non-regulatory bodies, regulatory bodies, and external contacts of Genius Within:

1. An MP
2. The Police
3. The Care Quality Commission
4. HM Revenue and Customs
5. The Health & Safety Executive
6. HCPC
7. ICF
8. HMPPS
9. Prime contractor

If raising concerns outside of Genius Within the complainant should ensure that it is to one of the above contacts.

Disclosure to the Media

Our internal procedures for whistleblowing detailed above should always be followed before any disclosures to the media (including social media) are made. External disclosures that are made that have not followed the Genius Within internal procedure may not be covered under the **Public Interest Disclosure Act** (1998). We advise seeking legal advice before making disclosures in the public domain.

Revision History

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| **Revision** | **Changes** | **Author** | **Approver** | **Date** |
| 1A | Need to revise the list of who to raise a concern to and remove referral to Penny and James.  | Sandie Scrase |  | 14/06/16 |
| 2A | No changes necessary. | Sandie Scrase |  | 28/04/17 |
| 3A | No changes necessary. | Fiona Barrett |  | 19/1/18 |
| 4A | Review of policy | Dom Nally | Nancy Doyle | 10/09/19 |
| 5A | Review of policy | Dom Nally | Fiona Barrett | 2020 10 16 |
| 6A | Update to make more accessible  | N Doyle | Fiona Barrett | 2021 09 21 |