

OPDS WHISTLEBLOWING POLICY

Introduction

OPDS is committed to the provision of high-quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of OPDS's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage. It is in the interests of OPDS, its employees and the public that wrongdoing is exposed and dealt with effectively.

Members of staff are often the first to realise that there may be something seriously wrong. In many circumstances it will be appropriate for staff to raise their concerns with their line manager and this procedure is not intended to discourage this.

However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to their line manager and received an unsatisfactory response.

This policy and procedure are intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively. It seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff or against uninformed or vexatious allegations, which can cause serious difficulty for innocent individuals.

Aims of Policy


To promote OPDS's values to be honest and open and take responsibility throughout the Company by inviting all members of staff to act where necessary in order to uphold the reputation of the Company and maintain public confidence.

To provide safeguards so that members of staff feel able to raise concerns about malpractice ('a disclosure') within the Company, without fear of adverse repercussions to the individual, and an effective mechanism for investigation of those concerns.

To provide feedback on action taken and advice on how to pursue any concerns further if the individual is not satisfied with the outcome. Malpractice, for the purposes of this policy, includes the following on the part of another member of staff of the Company or any other person or persons acting on its behalf:

- Abuse of child, improper discrimination against or relationship with child.
- Other relevant criminal offences.
- Failure to comply with a legal or regulatory duty or obligation.
- Endangering the health or safety of any individual.
- Improper use of authority or powers.
- Unethical or improper conduct or conduct which breaches the Company policies or falls below the standards which the Company subscribes to.


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- Concealment of any of the above.

Application of Policy

This policy is intended to tackle concerns of malpractice which are made in the child's interest by:

- A member of staff of the Company.
- Anyone self-employed providing services to OPDS and its clients.

For the purposes of this policy an individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the Company is referred to as 'the Discloser'. Members of the Company who are concerned about a particular matter should consult Sunny Field, the Managing Director of OPD, in the first instance.

Designated Assessor

Sunny Field, the Managing Director of OPDS is the "Designated Assessor".

The Designated Assessor is responsible for the preliminary investigation of disclosures and making recommendations to the Company as to what further steps, if any, should be taken.

Making a Disclosure

Concerned individuals can contact Protect on 020 3117 2522 or visit their website at <http://www.pcaw.co.uk/> for free confidential advice before whistleblowing should they need to.

An individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the Company and believes that the disclosure is in the public interest, should report these concerns to the Designated Assessor. The Designated Assessor should deal with this in accordance with this procedure. The initial disclosure should be made:

- In writing in the first instance, where possible.
- Otherwise orally, e.g. by telephone or at interview with the Designated Assessor.

The Discloser should ultimately provide as much supporting written evidence as possible about the disclosure, the grounds for the belief of malpractice and indicate why they have not felt able to raise their concerns through normal channels. Disclosers are encouraged to give details of their identity. Anonymous disclosures are much less powerful but may nevertheless be considered having regard to:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation through other suitable sources.

An interview between the Discloser and the Designated Assessor should take place as soon as practicable after the initial disclosure but no later than 3 weeks of the matter being referred. The purpose of the interview will be for the Designated Assessor to:

- Obtain as much information as possible from the Discloser about the grounds of the belief of malpractice including why the disclosure is considered to be in the public interest.
- To agree with the Discloser any further appropriate steps which could be taken.

Enquiries and Report by Designated Assessor

As soon as practicable after the interview (or after the initial disclosure if no interview takes place) and where possible, within 3 weeks, the Designated Assessor will determine their recommendations as to the further steps that should be taken such as:

- A report to the police or other appropriate public authority.
- A full investigation internally by the Company.
- Referral for consideration under other specific procedures (e.g. child protection).
- No further action (the basis for which see below).

The grounds on which the Designated Assessor may recommend no further action are as follows:

- If satisfied that the Discloser has not shown that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur.
- If satisfied that the Discloser is not acting in good faith e.g. after investigation it appears that the disclosure is willfully malicious or vexatious, in which case it may be referred for disciplinary action.
- If the matter concerned is already the subject of legal proceedings, or has already been referred to the Police or other public authority.
- If the matter is already, has already been, or should be, the subject of proceedings under one of the Company's other procedures relating to staff.

The Designated Assessor's recommendations will be made to the Company's other Directors to decide whether or not they agree with them. They shall consider the recommendations and reach a joint decision on whether the recommendations are agreed, as soon as is reasonably practicable. The recommendations will be made without revealing the identity of the Discloser.

Once it has been decided what further steps (if any) should be taken, the Designated Assessor will inform the Discloser, where their identity is known, of the decision. If no further action is proposed, the Designated Assessor will give the Discloser the reasons for this in writing.

External Disclosure

It is recognised that, in exceptional circumstances, or if dissatisfied after using this procedure, an individual might wish to make a disclosure without using the Company's procedure. However, individuals considering such a step are advised to take legal advice before doing so. They may make an external disclosure:

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- On a confidential basis, directly with bodies such as the external auditor or other appropriate public authority or such person as may be prescribed by the Secretary of State under Section 43F of the Public Interest Disclosure Act 1998. Before taking any such action, the Discloser is encouraged (without obligation) to inform the Designated Assessor.
- If they have reasonable grounds for believing that an uninternal disclosure would lead to evidence being concealed or destroyed or that the Discloser will be discriminated against as a result of making the disclosure.
- On a confidential basis for the purpose of taking legal advice.

Safeguarding and Disclosure

If a genuine concern is raised under this policy, the Discloser will not be at risk of losing their job or suffering any form of reprisal. The Company will not tolerate the harassment or victimisation of anyone raising a genuine concern in the public interest and it would be considered a disciplinary matter to victimise anyone who has raised a genuine concern.

With these assurances, the Company hopes that a person will raise their concern of malpractice openly. However, it is recognised that there may be circumstances when a person would prefer to speak to someone confidentially first regarding their concerns. If this is the case, the Discloser should inform, at the outset, the person they discuss their concern with. If the Discloser asks for their identity not to be disclosed, the Company will not do so unless required by law. There may be times when a concern cannot be resolved without revealing the Discloser's identity, for example, where personal evidence is essential. In such cases, the best mode or procedure will be discussed with the Discloser.

If the identity of the Discloser is unknown, (by the concern being raised anonymously), it will be more difficult for the matter to be investigated thoroughly. In such a case, the Company will not be able to protect the Discloser's position or to provide them with feedback. Accordingly, the Discloser should not assume that the Company can provide the assurances offered in the same way if they report a concern anonymously.

If a person is unsure about raising a concern, independent advice can be obtained from the NSPCC's whistleblowing helpline on 0800 028 0285 between 8am and 8pm Monday to Friday or can email: help@nspcc.org.uk

Therefore any document, report or recommendation prepared by the Designated Assessor in relation to the matter will not identify the Discloser, unless:

- The Discloser has consented to this in writing.
- There are grounds to believe the Discloser has acted maliciously.
- Where the Designated Assessor is under a legal obligation to do so.
- Where the information is already in the public domain.
- On a strictly confidential basis to the Designated Assessor's administrative assistant/administrative support.

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- On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The Designated Assessor will ensure that all information relating to the disclosure (including any held electronically) is kept secure so that, as far as practicable, only the Designated Assessor shall have access to it.

Disclosers are under an obligation to use all reasonable endeavors to ensure that they and their representative or work colleagues (if any) keep this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

The Discloser will not be required by the Company, without his or her consent, to participate in any enquiry or investigation into the matter established by the Company unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice.

Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Designated Assessor detailed above will remain in relation to the identity

Review

This policy and procedure may be amended from time to time by the Company following periodic review. Any comments or suggestions about the policy and procedure should be referred to the Company's Designated Assessor, Sunny Field on 020 8660 8869 or by email: sunny.field@opds.co.uk

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May 2018
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