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**‘SPEAKING UP’ POLICY AND PROCEDURE**  
**[Brunelcare’s Whistleblowing Policy and Guidance]**

<b>CATEGORY:</b>	Policy
<b>CLASSIFICATION:</b>	Governance
<b>PURPOSE:</b>	To set out the principles and a framework to enable employees of Brunelcare to raise concerns if there are reasonable grounds for believing that serious malpractice has occurred.
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	BC/CG/012 - Code of Conduct BC/CL/003 - Safeguarding Adults Policy BC/F/002 - Fraud, Corruption and Bribery Policy BC/HR/017 - Grievance Policy BC/CG/013 - Modern Slavery and Trafficking Statement for 2019-20
<b>Essential Reading for:</b>	All staff
<b>Information for:</b>	All Staff

**Document Consultation and Review Process**

<b>Groups/Individuals who have overseen the development of this Policy:</b>	<b>Task and Finish Group of the Board</b>
<b>Groups/Individuals Consulted:</b>	<b>Senior Leadership Team</b>

**Document version control:**

<b>Date</b>	<b>Version</b>	<b>Amendments made</b>	<b>Amendments Approved by</b>
<b>30 November 2020</b>	<b>002</b>	At a glance guide to procedure included	
<b>1 December 2020</b>	<b>002</b>	Paragraph 5.9 amended to emphasise that redeployment of the individual who spoke up will only be considered with their agreement	
<b>2 December 2020</b>	<b>002</b>	Paragraph 3.1 amended to include Trustees and volunteers	
<b>2 December 2020</b>	<b>002</b>	Reference to Caldicott Guardian removed pending further discussion	

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## 1. POLICY STATEMENT

- 1.1 The Board of Brunelcare is committed to ensuring openness, integrity and high standards of conduct in all that the Charity does. The safety and wellbeing of our clients, tenants and colleagues must come first at all times. While it can be difficult for colleagues to raise concerns about the practice of others, including managers, the implications of not raising those concerns are potentially very serious for the organisation, its employees and, most importantly, for those receiving its services.
- 1.2 The Board of Brunelcare is committed to ensuring a safe culture and to:
- putting in place a simple, straightforward route for colleagues to raise concerns about wrongdoing, and setting out this process clearly
  - protecting and supporting colleagues who raise a concern and maintaining confidentiality, so those reporting wrongdoing can do so without fear of reprisals or detriment to themselves
  - treating all reports of wrongdoing fairly and with care, and taking each one seriously
  - promptly reviewing and where appropriate thoroughly investigating reports of wrongdoing sensitively and objectively
  - taking action and seeking to put things right at the earliest opportunity
  - keeping this Policy and associated arrangements under review and updating them periodically
- 1.3 We want Brunelcare to be a place where colleagues feel safe to speak up – particularly as it is our colleagues who will often be the first to spot any wrongdoing. Acting with integrity and honesty is about more than avoiding wrongdoing. It is about playing an active role in ensuring these values are upheld.
- 1.4 This policy sets out the principles and approach to be followed by those working for or on behalf of Brunelcare when they have a concern about client and/or tenant safety, malpractice or wrongdoing. It is one element of a wider set of arrangements we have in place to uphold high standards and prevent wrongdoing. In particular, these arrangements also include our Fraud, Corruption and Bribery Policy. But other parts of our governance framework also frame and direct our approach, including the Code of Conduct, our Standing Orders, Register of Interests, Gifts and Hospitality Policy, Financial Regulations and our commitment to transparency.

Signed:



Deborah Evans  
Chair



Oona Goldsworthy  
CEO

## 2. AIM OF THE POLICY

2.1 This Policy is designed to ensure that anyone working for or on behalf of Brunelcare can raise concerns about wrongdoing or malpractice within the Charity without fear of victimisation, subsequent discrimination, disadvantage or dismissal. It is also intended to encourage and enable employees to raise serious concerns within Brunelcare rather than ignoring a problem or 'blowing the whistle' outside.

2.2 This Policy aims to:

- encourage employees, and those working on behalf of Brunelcare, to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- provide avenues for employees to raise those concerns and receive feedback on any action taken;
- ensure that individuals who raise a concern receive a response to their concerns and are aware of how to proceed if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

### Key Legislation:

The Public Interest Disclosure Act 1998 (PIDA) promotes greater openness in the workplace and is designed to encourage and enable employees to “speak out” and to report suspected wrongdoing at work. This is commonly known as “blowing the whistle”.

PIDA legislation legally protects employees (including temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a result of making a “protected disclosure” (a qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

Protection under PIDA is not extended to partners, contractors, non executive directors, volunteers or the self employed. **However, the principles outlined in this policy, as far as they can be, will be applied to Whistleblowing allegations received from contractors working on behalf of Brunelcare and volunteers.**

### 3. SCOPE OF POLICY

3.1 This policy applies to all:

- employees of Brunelcare;
- employees of contractors working for the Charity, for example, agency staff;
- Volunteers; and
- Trustees.

3.2 While the Public Interest Disclosure Act 1998 does not protect those providing services under a contract or other agreement with the Brunelcare, or voluntary workers working with the Charity, we encourage anyone working on behalf of Brunelcare who identifies safeguarding issues or wrongdoing to 'speak up'. We will do all that we can to protect your identity and support you.

3.3 This 'Speaking Up' Policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance policy and procedures
- If a client has a concern about services provided to them, it should be raised as a complaint.

### 4. DEFINITIONS

4.1 **Whistleblowing** is the confidential disclosure by an individual of any concerns relating to perceived wrongdoing involving any aspect of Brunelcare's work or those who work for the Charity. The whistleblowing process assists individuals, who believe they have discovered malpractice, impropriety or wrongdoing, to raise a concern, in order that this can be addressed. It refers to the reporting of specific issues in the public interest:

- mistreatment or abuse of a client or a tenant for whom the Charity has a responsibility;
- a criminal offence; for example, fraud or bribery;
- seeking undue favour over a contractual matter or a job application;
- non-compliance, or a breach, of the Charity's financial regulations.
- improper conduct or unauthorised use of charitable and public funds;
- where someone's health and safety is in danger and a disregard of legislation governing health and safety at work;
- risk or actual damage to the environment;
- a miscarriage of justice;
- where Brunelcare is breaking the law ie. it is not meeting its legal obligations;
- where someone is covering up wrongdoing.

4.2 Within this policy and guidance, such issues are generically referred to as 'wrongdoing' or 'concerns'.

4.3 **'Fraud'** for the purpose of this policy refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for their/themselves or another, or cause loss to another, or expose another to risk of loss. The term 'fraud' encompasses:

- Fraud by false representation;
- Fraud by failing to disclose information; and
- Fraud by abuse of position.

Descriptions of the above can be found within the Fraud Act 2006.

4.4 **'Corruption'** for the purpose of this policy refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to Brunelcare or the rights of others. Examples include accepting bribes or incentives during procurement processes, seeking to influence others.

4.5 **'Malpractice'** for the purpose of this policy refers to actions which may be:

- illegal, improper, or unethical;
- in breach of a professional code;
- possible maladministration, fraud or misuse of public funds; or
- acts which are otherwise inconsistent with the Staff Code of Conduct.

4.6 **'Safeguarding'** means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

## 5. KEY PRINCIPLES AND REQUIREMENTS

### *What Should be Reported*

5.1 You should report any concerns that you have about service provision or the conduct of colleagues or others acting on behalf of Brunelcare that:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with Brunelcare's values and policies;
- fall below established standards of practice; or
- are improper behaviour.

5.2 These might relate to:

- neglect or abuse of clients

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- other unethical conduct.

*[This list is not exhaustive and please also see paragraph 4.1].*

### *Protection for the Individual Raising a Concern - Legal Rights*

- 5.3 This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects employees making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.
- 5.4 The Act makes it unlawful for Brunelcare to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
- 5.5 As stated in Section 3 of this Policy, while the Public Interest Disclosure Act 1998 does not protect those providing services under a contract or other agreement with Brunelcare, or voluntary workers working with the Charity, we encourage anyone working on behalf of Brunelcare who has any concerns or identifies safeguarding issues of wrongdoing to 'speak up'. We will do all that we can to protect your identity and support you.

### *Acting Against Harassment or Victimisation*

- 5.6 The Board of Brunelcare is committed to good practice and high standards and to being supportive of its employees. It recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.
- 5.7 Brunelcare will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect those who raise a concern in good faith and will treat any harassment or victimisation as a serious disciplinary offence which will be dealt with under the disciplinary policy and procedure.

### *Support for those who Speak Up*

- 5.8 If you speak up you will:
- receive the full support of the Board and senior management;
  - be taken seriously, and
  - helped throughout the investigation



5.9 While all investigations will be carried out promptly, we will, as part of the steps taken to support you and with your agreement, consider temporarily re-deploying you for the period of the investigation. For those who are not direct employees of Brunelcare, the Charity will endeavour to provide appropriate advice and support wherever possible.

### *Confidentiality*

5.10 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the individual who raised the concern if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the help of the individual who raised it, so they may be asked to come forward as a witness. If they agree to this, advice and support will be provided.

### *Anonymous Allegations*

5.11 This Policy encourages colleagues to put their name to allegations whenever possible. If colleagues do not tell us who they are it will be much more difficult for us to protect their position or to give feedback. This policy is not ideally suited to concerns raised anonymously.

5.12 Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the Board. In exercising this discretion the factors to be taken into account would include:

- the seriousness and impact of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

5.13 Remember, if you do not tell us who you are it will be much more difficult for us to investigate the matter fully, to ask follow-up questions, to protect your position or to give you feedback. It will also be more difficult for you to demonstrate your protections under the Public Interest Disclosure Act 1998 where there is no evidence that it is you who has made the disclosure.

### *Untrue Allegations*

5.14 If an allegation is made in good faith and the individual making it reasonably believes it to be true, but it is not confirmed by the investigation, Brunelcare will recognise your concern and you have nothing to fear. If however, an allegation is made frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

### *Confidentiality of Clients and Tenants*

5.15 As an employee of Brunelcare and in accordance with professional codes of practice, you have a duty of confidentiality to clients and tenants. Subject to the provisions of the Public Interest Disclosure Act, unauthorised disclosure of personal information about any client or tenant will be regarded as a most serious matter, which will warrant disciplinary action. This applies even when you believe that you are acting in the best interests of a client or tenant by disclosing personal information. You should always therefore act in a way which minimises the chance of any individual client or tenant being identified.

- 5.16 Brunelcare's Data Protection Office, can provide advice.
- 5.17 As an employee you also have an implied duty of confidentiality and loyalty to Brunelcare as the employer. Subject to the provisions of the Public Interest Disclosure Act, breach of this duty may result in disciplinary action.

## **6. ROLES AND RESPONSIBILITIES**

### *The Chair*

- 6.1 The Chair is the nominated board sponsor for this Speaking Up Policy and Procedure, ensuring that all concerns raised are dealt with fairly, thoroughly and in accordance with the policy.
- 6.2 If, exceptionally, the concern is about the Chief Executive your concern should be raised with the Chair of the Board of Trustees who will decide how the investigation will proceed. This may include external investigation. The Chair can be contacted at [deborah.evans@brunelcare.org.uk](mailto:deborah.evans@brunelcare.org.uk)

### *Company Secretary and Chief Executive*

- 6.3 The Chief Executive has overall responsibility for the operation of this Policy and has delegated the monitoring of its implementation to the Company Secretary.
- 6.4 If you have reported a matter as described in the above paragraphs and believe that there has not been a reasonable response to the issues you have raised, you may report the matter directly to the Company Secretary via email at [speakingup@brunelcare.org.uk](mailto:speakingup@brunelcare.org.uk) or by telephone on 07748 928 651
- 6.5 You may also contact the Chief Executive on 07967165891

### *Line managers (including Directors)*

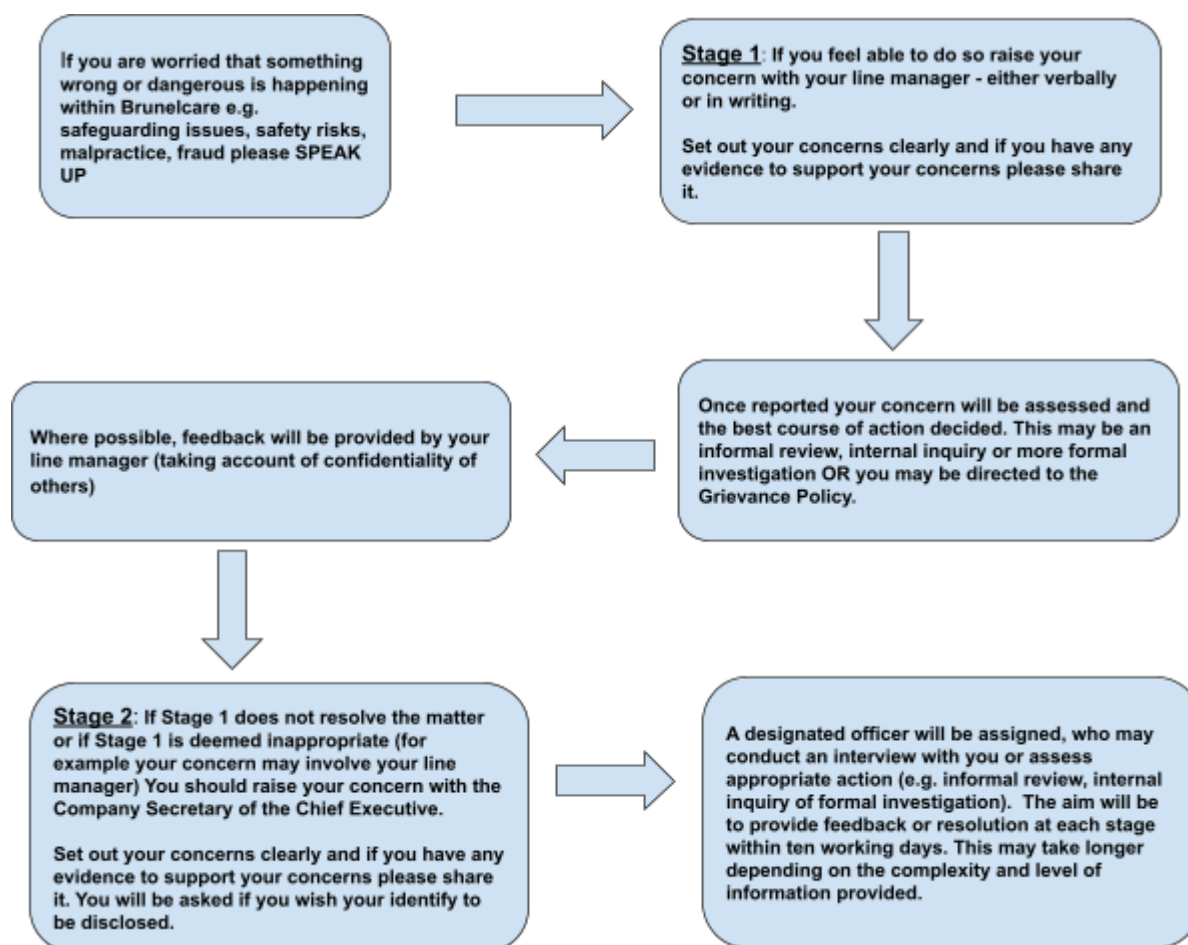
- 6.6 All managers are responsible for ensuring that staff are aware of the policy and its application, and for creating an environment in which staff are able to express concerns freely and without fear of reprisal

### *Individuals*

- 6.7 Everyone working for or on behalf of Brunelcare has a responsibility to raise concerns providing s/he has a reasonable belief that malpractice and/or wrongdoing has occurred

## **7. GUIDANCE ON RAISING A CONCERN - THE SPEAKING UP PROCEDURE: IF IN DOUBT SPEAK UP**

## The Speaking up Procedure at a Glance



We will endeavour to address your concerns openly and honestly. However, if you are dissatisfied with the findings of any Stage 2 review you still have the right to contact a relevant external body. The Company Secretary will advise you on the relevant bodies

### How to raise a concern

- 7.1 If you are concerned about any form of malpractice you should normally first raise the issue with your line manager. At whatever level you raise the issue, you should declare whether you have a personal interest in the issue at the outset. If your concern falls more properly within the grievance procedure your manager will tell you.
- 7.2 There is no special procedure for doing this - you may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:
  - the nature of your concern and why you believe it to be true
  - the background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected

wrongdoing or malpractice within Brunelcare and there are reasonable grounds for your concern.

- 7.3 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

#### *What Brunelcare will do*

- 7.5 Brunelcare will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.
- 7.6 The overriding principle for Brunelcare will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

#### *Receipt of Your Concern*

- 7.7 Once you have reported your concern, it will be assessed and consideration given what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them and what further assistance we may need from you.
- 7.8 The matter will be dealt with promptly at each stage. Where appropriate, immediate steps will be taken to remedy the situation as soon as practicably possible. A final outcome may take more time but a final resolution/outcome at each stage should be available within ten working days.
- 7.9 When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance or other relevant procedure, we will inform you accordingly. (see Appendix 1 for a checklist to help you formulate your complaint). The following stages will normally apply (see summary flow chart above):

#### *Stage 1*

If you have a concern about a safeguarding issue, risk, malpractice or wrongdoing at work, we hope you will feel able to raise it firstly with your **line manager**. This may be done verbally or in writing.

**Please Note:** *If you feel unable to tell your line manager, for whatever reason, you should raise the issue with the next tier of management. If you feel that you cannot disclose to the next tier of management, because for example, you believe that the individual may be implicated in the malpractice, you should raise the matter in confidence with the Director for your service.*

*The Senior Leadership Team are entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour. You should also approach one of the*

*Senior Leadership Team to draw attention to cases where there is evidence of irregular or improper behaviour elsewhere in the organisation, but where you have not been personally involved, or if you are required to act in a way which, for you, raises a fundamental issue of conscience.*

You may involve a Trade Union Representative, a friend or a colleague at this stage, providing that that person is not involved in the investigation.

Managers must help to create a climate where staff feel able to talk in confidence without the threat of disciplinary action being taken against them. The manager will identify the nature of the issue by undertaking a preliminary investigation.

## *Stage 2*

If Stage 1 of the investigation and any resultant action does not resolve the matter, or if a concern involves the immediate line manager or Director, the member of staff should raise the concerns with the Company Secretary who will refer the case to a designated officer, who will be the point of contact for employees under this policy.

Where concerns are raised with the designated officer, they will arrange an initial interview which will, if requested, be confidential to ascertain the areas of concern. At this stage, you will be asked whether you wish your identity to be disclosed and will be reassured about protection from possible victimisation.

You will also be asked if you wish to make a written statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties.

The designated officer will report to the Chief Executive who will be responsible for the commission of any further investigation.

The designated officer will offer to keep the member of staff who raised the concern informed about the investigation and its outcome. Within five working days of a concern being raised, the designated officer will write to you:

- acknowledging that the concern has been received
- indicating how Brunelcare proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a trade union or professional association representative or a friend may accompany you in support.

## The Formal Investigation

- 7.10 If the concern raised is very serious or complex, a formal investigation may be held. The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of clients, suspension from work may have to be considered immediately. Protection of clients is paramount in all cases.
- 7.11 You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.
- 7.12 Where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary/grievance process
  - be referred to the police
  - be referred to the external auditor
  - be referred and put through established safeguarding procedures
  - form the subject of an independent inquiry
- 7.13 Brunelcare will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, Brunelcare will arrange for you to receive appropriate advice and support.

## Following the Investigation

- 7.14 The Chief Executive will advise the designated officer as to the possible options open to Brunelcare as a result of the outcome of the investigation. The designated officer will then arrange a meeting with the member of staff (where the identity has been disclosed) to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned).
- 7.15 The feedback will be provided as soon as possible. If the member of staff is not satisfied with the action taken/not taken, Brunelcare recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons such as the Health & Safety Executive, the Care Quality Commission, the Regulator for Social Housing, or, where justified, elsewhere (See Section that follows).
- 7.16 If the result of the investigation is that there is a case to be answered by any individual, Brunelcare's Disciplinary Policy will be used and the details discovered by the formal investigation, transferred to that process.

## How the Matter can be Taken Further

- 7.17 This Policy is intended to give you the opportunity and protection you need to raise your concerns internally without reporting the concern to external bodies. It is, therefore, expected that raising concerns internally will be the most appropriate action to be taken in almost all cases and so you must try to do so.
- 7.18 Brunelcare hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside Brunelcare, the following are the Charities prescribed contacts:
- the External Auditor:
  - your trade union
  - the police
  - other relevant bodies prescribed by legislation such as the Care Quality Commission, Regulator for Social Housing, Charity Commission. Health and Safety Executive, Information Commissioner.
- 7.19 The Company Secretary will be able to advise you on who you can contact. Further a full list of persons/bodies can be found in [The Public Interest Disclosure \(Prescribed Persons\) Order 2014](#) which sets out the full prescribed persons list and a description of the matters to which issues of concern could be referred.
- 7.20 If you raise concerns **outside** of Brunelcare you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy.
- 7.21 You should not disclose information that is confidential to Brunelcare or to anyone else, such as a client or contractor of the Charity, except to those included in the list of prescribed contacts.
- 7.22 If you do take this route to whistleblow you may be required to demonstrate why you thought the normal internal procedure was not appropriate. You are strongly recommended to take advice before following this course of action though, as the PIDA only affords protection to whistleblowers in certain circumstances.

## Further Help and Advice

- 7.23 If you have an issue you wish to 'speak up' about you may wish to refer to the Government's guidance [Whistleblowing for employees](#). You can also contact the Advisory, Conciliation and Arbitration Service (ACAS) for guidance on whistleblowing and grievances. Useful information can be found at: [Whistle-blowing- Public Interest Disclosure](#)
- 7.24 The independent charity '[Protect](#)' will be able to help and advise you should you not wish to talk to the Company Secretary. They offer a free and confidential helpline on **020 3117 2520**.

## 8. HOW WE WILL SAFEGUARD YOUR DATA

- 8.1 The sharing of personal data can greatly aid the effective operation of the 'Speaking Up' process because it allows a more detailed investigation to take place. It also enables the investigator to provide feedback to the individual who has raised a concern on the outcome of an investigation.

- 8.2 When processing personal data we will always follow the General Data Protection Act (GDPR). Articles 5-11 of the Act state that data should be:
- Processed lawfully, fairly and transparently
  - Collected for specified, legitimate purpose
  - Adequate, relevant and limited to what is necessary
  - Accurate and up to date
  - Kept in a form which permits identification for no longer than necessary for purpose
  - Processed in a manner to ensure appropriate security of the data

### *Obtaining consent at outset*

- 8.3 Those sharing information as part of the ‘speaking up’ process will be asked to confirm their consent to the information being documented and stored. Details of how the information will be stored and if necessary shared will be provided to the individual who has ‘spoken up’, and they can exercise their rights under GDPR should they wish to. See Brunelcare’s [Data Subject Access Request Policy](#).
- 8.4 Only data relevant to the report will be collected and stored, and that information will only be held until the report has been fully investigated and resolved.

### *Withdrawal of consent*

- 8.5 While employees can be asked to agree to the processing of their data for the whistleblowing report, they are also within their rights to withdraw such consent. Under Article 7(3), it must be as easy to withdraw as to give consent. For example, if consent is obtained by a signed letter, it must also be possible to withdraw consent with a signed letter.

### *Rights of the Data Subject*

- 8.6 Articles 12-23 outline the rights afforded to Data Subjects under the GDPR, namely:
- The Right to access
  - Right to data portability
  - Right to rectification / Right to erasure
  - Right to object
  - Right to restriction of processing

They are set out in more detail in Brunelcare’s Data Protection Policy.

- 8.7 In a whistleblowing context, the rights of the data subject may be restricted. For example, it would not be productive to identify, under a subject access request, that they are the subject of a serious report regarding a criminal offence. There is provision under Article 23 for Member States to restrict the GDPR subject rights for the “prevention, investigation, detection or prosecution of criminal offences” or civil law claims.
- 8.8 Article 29 Working Party recommends that “under no circumstances can the person accused in a whistleblower’s report obtain information about the identity of the whistleblower”. The GDPR



puts the person who has 'spoken up' in a much stronger position and affords them more authority over their own data

## 9. EQUALITY AND DIVERSITY STATEMENT

9.1 Brunelcare seeks to embed a work environment where all employees are treated as individuals, fairly and in a consistent way. We work within the spirit and the practice of the Equality Act 2010 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise. This Policy will be applied in a way that is consistent with these principles.

## 10. MONITORING AND REVIEW

### *Monitoring*

- 10.1 The Company Secretary will maintain a confidential corporate register containing all concerns that are brought to their attention. All those allocated to look into a concern must ensure the Company Secretary is provided with sufficient details for the corporate register.
- 10.2 The Company Secretary will review the corporate register and produce an annual report for the Board. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names and will protect the identity of those who have 'spoken up'. The aim of this is to ensure that:
- Brunelcare and/or the relevant directorate learns from mistakes and does not repeat them, and
  - consistency of approach across the directorates

The corporate register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

### *Review*

10.3 This Policy will be reviewed at least every three years by the Company Secretary or following any change in statutory advice or legislation.

### Guidance on Information Required when Raising A Concern under the Speaking Up Policy and Procedure

**To assist us in assessing or investigating your concerns, it would be helpful if you could be as clear as possible with the details. As a minimum we need to understand the following:**

- Date(s) of incident(s)
- Type of incident
- Description of incident(s)/details of concerns
- Where did it happen?
- Who has been involved?
- If possible, explain how you think the matter may be best resolved or start thinking about it in preparation for any meetings you may be required to attend (if you have shared your identity)

If you feel comfortable sharing your identity then please provide us with your name, your work location and contact details