

WHISTLEBLOWING POLICY



THE ARTHUR ELLIS
MENTAL HEALTH FOUNDATION



What is Whistleblowing?

Whistleblowing is a process of ensuring that any concerns about an organisation or individuals within it, can be raised and investigated.

Whistleblowing is defined as:

‘the disclosure by an staff or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the staff or his/her fellow staff’ (Public Concern at Work Guidelines 1997).

Statutory protection for staff who whistle blow is provided by the Public Interest Disclosure Act 1998 (“PIDA”). The PIDA protects staff against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the setting which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

Whistleblowing is a positive act, which helps to identify concerns and ensure that they are investigated and resolved as quickly as possible.

Ideally staff are encouraged to report concerns through the internal processes, however there may be occasions where staff feel they are not being heard or responded to.

Purpose

The aim of this Policy is to encourage staff and others who have serious concerns about any aspect of the AEMHF’s work to come forward and voice them.

Staff are often the first to realise that there may be something seriously wrong within the organisation and ensuring that there is an effective way of communicating concerns is essential.

We encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice.

We will provide internal avenues for you to raise those concerns and receive feedback on any action taken.

We will ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

We reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

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Scope

This policy applies to all AEMHF personnel regardless of position, volunteers, work experience, visitors, contractors and agency staff.

In line with our commitment to openness, and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

In the first instance, staff should whistle blow to the manager. If they do not feel comfortable talking to the manager, then they should talk to the Chair of Trustees. If they feel that the concern is about the organisation as a whole, then they can contact the Independent Whistleblowing helpline.

What concerns are covered by whistleblowing?

This policy covers whistleblowing relating to alleged:

- Unlawful conduct.
- Failure to comply with a statutory or legal obligation.
- Potential maladministration, misconduct or malpractice.
- Health and safety issues including risks to the public as well as risks to children, vulnerable adults, and members of staff
- Action that has caused or is likely to cause danger to the environment.
- Abuse of authority.
- Unauthorised use of public or other funds.
- Fraud or corruption.
- Breaches of financial regulations or policies.
- Mistreatment of any person.
- Action that has caused or is likely to cause physical danger to any person or risk serious damage to property.
- Sexual, physical or emotional abuse of members of staff or our clients.
- Unfair discrimination or favouritism.
- Racist incidents or acts, or racial harassment.
- Any attempt to prevent disclosure of any of the issues listed.

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Any serious concerns that you have about service provision or the conduct of staff or any member of the AEMHF or others acting on behalf of the AEMHF that:

- Make you feel uncomfortable in terms of known standards.
- Are not in keeping with the AEMHF Constitution and Policies.
- Fall below established standards of practice or.
- Are improper behaviour.

These might relate to:

- 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, clients, and/or other Staff.
- Damage to the environment.
- Unauthorised use of funds or other assets.
- Possible fraud and corruption.
- Neglect or abuse of clients.
- Other unethical conduct.

This list is not exhaustive.

Execptions

If your concern relates to your own treatment as an staff, you should raise it under the existing grievance or harassment procedures.

If a client has a concern about the services provided to him/her, it should be raised as a complaint to Jon Manning CEO of AEMHF. See Complaints Policy.

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Protection of the Whistleblower

The Policy is designed to ensure staff can raise concerns about wrongdoing or malpractice within the AEMHF without fear of victimisation, subsequent discrimination, disadvantage or dismissal (Public Interest Disclosure Act 1998). It is also intended to encourage and enable you to raise serious concerns rather than ignoring a problem. Provided a concern is not a false or malicious allegation, you cannot be punished or discriminated against.

Harassment of Victimisation

We recognise 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, it is your duty to your employer, your colleagues and those for whom you are providing a service to ensure that concerns are reported.

We will not tolerate any harassment or victimisation of a whistle-blower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedures.

Who can raise a concern under this Policy?

Anyone can raise a concern under the whistleblowing policy this includes (but is not limited to).

- Staff of AEMHF.
- Staff of contractors working for AEMHF, for example, agency staff, builders and drivers.
- Staff of suppliers.
- Those providing services under a contract or other agreement with AEMHF in their own premises, for example mental health mentors.
- Voluntary/work experience workers working with the organisation.

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Support for the Whistleblower

Throughout this process:

- You will be given full support from an allocated senior member of staff.
- Your concerns will always be taken seriously.
- AEMHF will do all it can to help you throughout the investigation.

If appropriate, the AEMHF will consider temporarily re-deploying you for the period of the investigation.

For those who are not AEMHF Staff, we will endeavour to provide appropriate advice and support wherever possible.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to act as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

We encourage you to put your name to your allegation whenever possible. However, If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This Policy is not ideally suited to concerns raised anonymously.

Anonymous concerns may be difficult to follow up and collaborate.

The following will be considered:

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

The CEO will consider this information, and/or they may consult with the Lado if safeguarding concerns. A decision will be made about whether there is sufficient concern for an investigation to be launched

All decisions will be documented, with the reason why. All decisions can be challenged.

A guide for staff is included in Appendix 1

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Raising a Concern – Internally

Initial concerns should be raised with Your DSL and/or Line Manager with:

Heather Horner

07399506273

Heather.h@arthurellismhs.com

If the concern is about Heather, or a Trustee, then concerns need to be raised with:

Jon Manning

07722196961

jon@arthurellismhs.com

If the concern is about Jon, then concerns need to be raised with:

Joy Edwards

07487764716

Joy.e@arturellismhs.com

Jon Manning, Chair and CEO will decide how the investigation will proceed. This may include external investigation.

The Process

STEP 1

AEMHF will acknowledging receipt of the concern within five working days.

initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under the terms of strict confidentiality, i.e., by not informing the subject of the complaint until (or if) it becomes necessary to do so.

In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

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 child protection/abuse procedures.
- Form the subject of an independent inquiry.

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STEP 2

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- Acknowledging that the concern has been received.
- Indicating how the AEMHF 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 personnel 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 union or professional association representative or a friend may accompany you in support.

The AEMHF will do what it can to minimise any difficulties that you may experience because of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the AEMHF will arrange for you to receive appropriate advice and support.

STEP 3

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.

The target is to complete the inquiry within 10–15 working days from the date of the initial written response. If the enquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed.

The Responsible Officer

Jon Manning, Chair, and CEO, has overall responsibility for the maintenance and operation of this Policy.

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Taking the matter further

If you are not satisfied with the actions taken, and you feel it is right to take the matter further, you have the right to contact the following prescribed options:

- A trade union.
- The police.
- Other relevant and/or professional bodies – like your own professional body (for example The British Psychological Society, BACP).
- A licensed solicitor.

Raising a Concern – Externally

If you raise concerns outside AEMHF you should ensure professionalism and confidentiality; and only to one of the prescribed contacts listed below. You should not disclose information that is confidential to AEMHF to anyone else, for example, client details and contact information; except to those included in the list of prescribed contacts.

External Contacts

LADO for safeguarding concerns about staff and volunteers

01908 254307 Debbie Young or Kay Newman

lado@milton-keynes.gov.uk

NSPCC Independent Whistleblowing Helpline for concerns about child protection

0800 028 0285

help@nspcc.org.uk

Public Concern at Work (PCAW) is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice

0207 404 6609

www.pcaw.co.uk.

Whistleblowing Helpline offers free, confidential and independent advice about whistleblowing processes to people working in any care role

08000 724725

enquiries@wbhelpline.org.uk

www.wbhelpline.org.uk.

A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act; the protection of this Policy; you will be in breach of AEMHF's Non-Disclosure Agreement and; your actions may be considered as gross misconduct.

This Policy does not prevent you from taking your own legal advice.

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Recording and Monitoring

Jon Manning as Chair, and CEO will maintain a corporate register containing all concerns that are brought to his attention. All officers allocated to look into a concern must ensure he is provided with sufficient details for the corporate register to hold him accountable.

Jon Manning will review the corporate register, and it is his discretion to produce a report. The report will include a summary of the concerns raised, to which areas of the business they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any staff names.

This is to ensure that lessons can be learnt from any concerns raised and to ensure that action is taken

Taking the Matter Further

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you have the right to raise your concerns with other organisations as listed below:

- The Children's Commissioner for England.
- The Care and Social Services Inspectorate for England.
- A solicitor.
- The Police – for concerns of criminal behaviour.
- A trade union or professional association.

Review Process

This Policy and AEMHF Procedures will be reviewed every 3 years as a minimum unless:

- Any changes in legislation and guidance on the protection of children or following any changes within AEMHF.
- Following any issues or concerns raised about the protection of children within AEMHF.

Trustees will be made aware of the overarching concerns to enable them to make any changes to policies and procedures necessary.

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Appendix 1

Guidance Note for Members of Staff

This guidance should be followed if you suspect any conduct or practice in any area of the school's activities which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

DO

- Make an immediate note of your concerns.
- Note all relevant details such as what was said in telephone or other conversations, the date, time and the names of any parties involved; or any action observed.
- Convey your suspicions to someone with the appropriate authority and experience e.g. your line manager, a member of the senior management team.
- Deal with the matter promptly.
- Keep a copy of all notes/details etc.
- Ask for a copy of the whistleblowing policy if this has not routinely been made available to all staff.

DO NOT

- Do nothing.
- Be afraid of raising your concerns. You must not suffer any recrimination as a result of voicing a reasonably held suspicion. The manager or owner will treat any matter you raise sensitively and confidentially wherever possible (if you feel that the matter raised is not being treated sensitively and seriously then seek professional or alternative advice).
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself. There are rules surrounding the gathering of evidence for use in criminal cases and in relation to child protection cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.
- Convey your suspicions to anyone other than those with the proper authority although other organisations such as a trade union or professional association may help you raise your concerns.
- If you wish to remain anonymous, do not include your name / position or any other information which could lead to your identity being disclosed.

Remember the Public Interest Disclosure Act 1998 protects you from victimisation by dismissal, redundancy or any other detrimental action provided you:

- Have disclosed the information in good faith.
- Believe it to be substantially true.
- Have not acted maliciously or made a false allegation.
- Are not seeking any personal gain.
- It was reasonable for the disclosure to have been made.

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