

The Institute of Family Therapy

Public Interest Disclosure Policy ('Whistle-Blowing')

Introduction

The Institute of Family Therapy (IFT) is committed to maintaining the highest standards of integrity, openness and accountability in the conduct of its affairs, taking account of the requirements of the Charity Commission and the professional bodies in the field of family psychotherapy.

The Public Disclosure Act affords legal protection to employees against being dismissed or in other ways penalised by their employers as a consequence of publicly disclosing certain serious concerns about the employer's business.

The legislation relates to 'any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following –

- a) that a criminal offence has been committed is being committed or is likely to be committed,
- b) that a person has failed is failing or is likely to fail to comply with any legal obligation to which he is subject,
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- d) that the health or safety of any individual has been, is being or is likely to be endangered,
- e) that the environment has been, is being or is likely to be damaged, or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.'

Scope and Limitations of the Policy

A contract of employment between IFT and its staff, whether permanent, sessional or temporary, implies that they will faithfully serve IFT and not disclose information about its' affairs.

However, where an individual becomes aware of information which he / she believes shows malpractice or wrong doing within the organisation, this information should be disclosed without fear of reprisal. Such disclosures may be made independently of line

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management. IFT will take all such steps as are reasonably possible to ensure that the individual does not suffer detrimentally.

The person making the disclosure has no responsibility for investigating the matter – it is the organisation's responsibility to ensure that an investigation has taken place. The whistleblower must not do this themselves.

A person who makes such a protective disclosure has the right not to be dismissed, or subject to victimisation, because they have made the disclosure.

This policy is designed to assist and protect individuals who have discovered malpractice or impropriety. It is not intended as a means to question strategic, academic, therapeutic or financial decisions taken by IFT. It may not be used to re-open matters which have previously been the subject of a complaint, grievance or disciplinary procedure. However, this will not preclude the use of information or evidence that has previously been used under these procedures. Nothing in this policy shall limit the statutory or legal rights of a member of staff at IFT under the current legislation, or the right to seek independent advice from a professional body or trade union.

Scope of Application of the Policy

The Policy applies to all staff members of IFT, students and trustees, even though they may not be protected by the Act.

The policy applies to situations where there is an allegation of malpractice made which involves an individual/s in relation to their work for IFT, whether made by or about a member of staff, trustee, student or someone who provides or has provided goods and services to IFT. The term 'malpractice' might include:

- Financial malpractice, impropriety or fraud;
- Failure to comply with a legal obligation or The Institute's Memorandum and Articles as agreed with the Charity Commission;
- Criminal activity;
- Academic malpractice;
- Improper conduct or unethical behaviour;
- Attempts to conceal any of the above.

Confidentiality

IFT will respond to any such allegations with sensitivity and treat them with confidentiality as far as possible. The identity of the person making the allegation will be kept confidential to IFT unless it is not possible to do so for legal or procedural reasons. (Information may be shared as necessary with IFT's collaborative partner, Birkbeck College, or other bodies).

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The person making the allegation may be required to provide a statement or act as a witness in any investigation.

Good Faith

If an allegation has been made by a person in good faith, and the allegation is not upheld or confirmed after investigation, no action will be taken against that person. However, if it is decided by the person/s carrying out the investigation that the allegation was vexatious or malicious, particularly if that person persists in making them, disciplinary action or other sanctions may be taken against the person making the allegation/s.

The policy seeks to encourage individuals to put their name to any allegation they make. Anonymous allegations are less powerful and are more difficult to investigate, but will be considered at the discretion of the person/s designated to carry out the investigation.

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

- The seriousness of the issue/s raised;
- The nature of the allegation;
- The likelihood of confirming the allegation from alternative credible sources or the nature of the supporting evidence.

Procedure

1. The concern should be raised in the first instance with the Chair of Council, as soon as possible. If the allegation concerns the Chair the matter should be raised instead with the Director of IFT., or in the case of possible financial practice, with the Director of Operations and / or Chair of the Finance and General Purposes Committee.
2. The Chair of Council, Director of IFT or Director of Operations (hereafter called the designated person) will consider the information and decide if there is a prima facie case to answer, whether an investigation should be conducted, and if so what form it should take. The designated person may, for example, decide that the matter is more appropriately dealt with under the Complaints Procedure)

Depending on the nature of the concern raised, the matter may be:
Investigated internally by IFT (preliminary investigation);
Referred to the police;

3. If the designated person decides that a preliminary internal investigation shall be conducted he /she will ask a senior member of IFT staff, together with an IFT

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member, who may or may not be a Trustee, to investigate the allegation and report their findings. The investigation will be carried out as quickly and sensitively as possible.

4. Having considered the report, and taking into account the advice of the investigating persons, the designated person will decide if there is a case to answer and which procedures to follow.

In certain circumstances it might be necessary to refer the matter to an external organisation or authority for further investigation.

5. Where the evidence gathered during this preliminary investigation supports the allegation made, the person against whom the allegation was made shall be informed of it, and of the supporting evidence. This person will be given the opportunity to respond before any further investigation or action is taken.
6. The person will inform the person who made the allegation what action if any is being taken, and of the reason where no action is to be taken. If the person making the allegation believes that a decision not to take action is inadequate he / she will have the opportunity to make the allegation again to an appropriate person, for example with a member of the Board of Trustees who has not been previously involved, or someone from our academic partner organisation within Birkbeck.

In this circumstance, the new person will decide on the appropriate course of action based on the information available, which shall include the records relating to the previous decision.

7. A report of all allegations and any subsequent actions taken will be made by the designated person who will retain such reports for a period of three years, as a formal record and for reference purposes.

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