**Introduction**

Devon and Cornwall Counselling Hub is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable contractors and learners to voice concerns in a responsible and effective manner. 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 arrangements to enable this to be done independently of line management (although in relatively minor instances the course tutors or the course director would be the appropriate person to be told).

It should be emphasised 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 staff and learners to use them rather than air their complaints outside the Company.

**Scope of Policy**

This policy is designed to enable contractors and learners of Devon and Cornwall Counselling Hub to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

1. Financial malpractice or impropriety or fraud
2. Failure to comply with a legal obligation or Statutes
3. Dangers to Health & Safety or the environment
4. Criminal activity
5. Improper conduct or unethical behaviour
6. Attempts to conceal any of these

**Safeguards**

**i. Protection**

This policy is designed to offer protection to those contractors and learners of the Company who disclose such concerns provided the disclosure is made:

1. in good faith
2. in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

**ii. Confidentiality**

The Company will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may 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.

**iii. Anonymous Allegations**

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may 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

**iv. 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. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

**Procedures for Making a Disclosure**

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to course director as follows:

1. Complaints of malpractice will be investigated by the course director unless the complaint is against the director or is in any way related to the actions of the director.
2. In such cases, the complaint should be passed to the course supervisor, Jacky Thomas.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach the British Association for Counselling and Psychotherapy for guidance or to engage their complaints procedure.

If there is evidence of criminal activity then the investigating officer should inform the police. The Company will ensure that any internal investigation does not hinder a formal police investigation.

**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 for such investigations. 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 thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. 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.

All responses to the complainant should be in writing and sent to their home address.

**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 contractor or learner against whom the complaint is made as soon as is practically possible. The contractor or learner 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.
3. The investigating officer should consider the involvement of the Police at this stage and should consult with an independent clinical supervisor and or the BACP.
4. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
5. A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement.
6. A full team meeting 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.
7. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, then they can contact the BACP for further guidance and advice.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Company recognises the lawful rights of contractors and learners to make disclosures to prescribed persons (such as the Health and Safety Executive, BACP etc), or, where justified, elsewhere.