



## **Disclosure of Malpractice (Whistleblowing) Policy**

V1.0 November 2025

ELCAP is committed to abiding by the law and maintaining high ethical standards in all areas of work and practice. In particular, the Public Interest Disclosure Act 1998 ("PIDA") creates a framework for workers who have genuine concerns about certain kinds of malpractice in connection with their workplace. As part of this commitment, the Company want to encourage employees to report any malpractice or illegal acts or omissions (whether in the UK or elsewhere) by other employees, or former employees, using internal mechanisms for reporting.

The following list sets out some examples of malpractice:

- Unprofessional treatment of a service user by an employee.
- Criminal offences
- Defrauding the Company
- A failure to comply with any legal or regulatory obligation
- A miscarriage of justice
- Endangering the health and safety of any individual
- Damage to the environment
- Breach of standing financial instructions
- Deliberate concealment of any of the above

This 'whistleblowing' procedure is primarily for concerns where the interests of others or of the Company are at risk. If something is troubling you which you think the Company should know about or investigate, you should implement the following procedure. If, however, you are aggrieved about your personal position, you are advised to use the Grievance procedure, a copy of which is contained within this Handbook.

If you raise a genuine concern under this Policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Of course, if you were maliciously to raise a matter, which you knew to be untrue, it would be likely to constitute gross misconduct, and would be dealt with under the Disciplinary procedure.

The Company will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, the Company recognises that you may nonetheless want to raise a concern in confidence. The Company will not disclose your identity without your consent. If a situation arises where the concern cannot be resolved or the matter taken forward without revealing your identity (for example because your evidence is needed in court), the Company will discuss with you whether and how the matter can proceed.

However, if you do not tell the Company who you are when the matter is first reported, it will be much more difficult for the matter to be investigated, your position protected, or feedback given.

Accordingly, while the Company will consider anonymous reports, this Policy is not designed for concerns raised anonymously.

## **How Matters Raised Under this Policy Will be Dealt With**

Once you have told the Company of your concern, it will be looked into to initially assess what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be informed of the person who will handle the matter, how they can be contacted and whether further assistance may be required. If you request it, you can receive a written summary of your concern together with details of how the matter will be handled or the steps that are being taken. However, you must be aware that there may be occasions when you cannot be informed of the precise action being taken as it may infringe a duty of confidence owed to someone else.

When you raise the concern, you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, this should be stated at the outset. If your concern falls more properly within the Grievance procedure, you will be informed of this.

## **How to Raise a Concern**

### **Step one**

If you have a concern about malpractice, this should be raised first with your line Manager. This may be done in person or in writing.

### **Step two**

If you feel unable to raise the matter with your line Manager for any reason, or would prefer to escalate the matter, the concern should be raised with a Senior Manager.

### **Step three**

If these channels have been followed and you still have a concern, or if you feel that the matter is so serious that it cannot be discussed with any of the above, you should contact the CEO.

## **Independent Advice**

Independent advice and support can be obtained from Protect (formerly known as "Public Concern at Work") (Independent Whistleblowing Charity):

Email address	<a href="mailto:whistle@protect-advice.org.uk">whistle@protect-advice.org.uk</a>
Tel	Tel. 0203 117 2520
Website	<a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>

## External Contacts

Whilst the Company hopes this Policy gives the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as the FCA or the police. Please be aware however, that some external disclosures may not be protected by the Public Interest Disclosure Act. If you have any concerns, Public Concern at Work will be able to advise you on your options and on the circumstances in which you may be able to contact an outside body.

## Health and social care standards

The application of this policy is guided by the Health and Social Care Standards and by the following standards in particular:

- I am accepted and valued whatever my needs, ability, gender, age, faith, mental health status, race, background, or sexual orientation. (1.1)
- My human rights are protected and promoted, and I experience no discrimination. (1.2)
- I can control my own care and support if this is what I want. (2.1)
- I am empowered and enabled to be as independent and as in control of my life as I want and can be. (2.2)
- I experience people speaking and listening to me in a way that is courteous and respectful, with my care and support being the main focus of people's attention. (3.1)
- I am protected from harm, neglect, abuse, bullying and exploitation by people who have a clear understanding of their responsibilities. (3.20)
- I experience high quality care and support based on relevant evidence, guidance, and best practice. (4.11)

## Objectives

The objectives of this policy are to:

- Provide an effective way for employees, trustees and volunteers to raise serious concerns.
- Ensure that anyone who raises a serious concern receives feedback on any action taken.
- Ensure that anyone who raises a serious concern in good faith is protected from reprisal or victimisation.
- Signpost anyone who raises a serious concern to other sources of assistance if they are dissatisfied with ELCAP's response or if internal investigation is not appropriate.
- Allow ELCAP to take action against an employee, trustee or volunteer who makes allegations in bad faith and/or discloses information when it is unreasonable for them to do so.

## What is a whistleblower?

A whistleblower is someone who reports wrongdoing – for example, failure to do things, illegal activity, or malpractice. This will often be something s/he has seen or become aware of at work.

The wrongdoing a whistleblower disclosed must be in the public interest. This means that it must affect other people.

## Malicious whistleblowing

Suite One, Ground Floor, Hercules House, Station Road, Eskmills, Musselburgh, East Lothian EH21 7PQ - [www.elcap.org](http://www.elcap.org) Tel: 01875 814 114

ELCAP is a Scottish charity (SC003159) and a company limited by guarantee (SC116745). We are registered with the Care Inspectorate

If an employee, trustee, or volunteer maliciously raises a matter which they know to be untrue or are involved in the wrongdoing they disclose, their conduct may be addressed through ELCAP's disciplinary procedures.

### **Non-whistleblowing concerns**

This policy should be used only in the specific circumstances outlined in Section 5, above. Other ELCAP policies will be relevant in other circumstances, including, but not limited to, our:

- Adult and child protection policy
- Bullying and harassment procedure
- Compliments, suggestions, and complaints procedure (Currently under review)
- Disciplinary procedure
- Grievance procedure

### **Making a disclosure to the press**

Disclosures to the press will not be considered reasonable and may constitute misconduct, which may be addressed through our Disciplinary Procedure.