



# WHISTLEBLOWING POLICY

Document Type: Internal and External
Last Revision Date: November 2021
Next Revision Date: November 2023
Version: 1.0

## Introduction

Whistleblowing is the disclosure of a report which is in the public interest. It has been defined as: 'the disclosure by an employee 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 employee or his/her fellow employees' (Public Concern at Work Guidelines 1997).

It is important that any fraud, misconduct or wrongdoing by staff or others working or volunteering on behalf of the organisation is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Whistleblowing does not include the following types of disclosures or reports:

- personal grievances such as bullying, harassment or discrimination
- safeguarding concerns
- disciplinary or grievances.

There are occasions when a concern related to the above could be considered in the public's interest and therefore become a whistleblowing concern. However, in most circumstances you should review the relevant organisational policies and procedures.

## Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working or volunteering on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern. Likewise the same applies to volunteers supporting the charity.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree

to remain silent. You should report the matter to the Chief Executive or the Chair of the Board of Trustees.

### **Qualifying disclosures**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee or a volunteer who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation
- Concealment of any of the above

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place.

The full parameters of a protected disclosure are set out in the Employment Rights Act (ERA) 1996. If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment or victimised because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Information relating to the Public Interest Disclosure Act can be found here:  
<https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2>

### **Malicious whistleblowing**

Provided you are acting genuinely, with reasonable belief of a concern, and in the best interests of the public, it does not matter if you are mistaken. However, if it is proven through an investigation process that an allegation of wrongdoing has been made maliciously, then the person who made the allegations may face disciplinary action, up to and including dismissal, and in some cases may be subject to criminal investigation where illegality has occurred.

## **Procedure**

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

In the first instance you should report any concerns you may have to the Chief Executive who will treat the matter with complete confidence.

You will receive confirmation of your report within three working days\*. It is then likely an investigation will follow and you will be asked to attend a meeting to explain your disclosure in full. You will be told either at the meeting or as soon as possible afterwards, what action will be taken to address the report you have made. Where action is not taken, you will be informed and given an explanation. The action taken in response to a disclosure will depend on the nature of the concern. Typically, the matters raised may result in one or more of the following:

- no action required
- action being taken under other policies
- an internal investigation under this policy
- a referral to the police or relevant statutory body
- a referral to external auditors
- a referral to the Charity Commission
- an independent enquiry

## **External Reporting**

We encourage all reports to be made internally in the first instance. Subsequently all avenues of escalation should be exhausted. However, in circumstances where that is not possible, or where having made a disclosure you are unhappy with the outcome, you have a legal right to make a disclosure to an external body. This is called a 'Public Disclosure'.

An external body may be non-regulatory; such as an MP, legal advisor or the police. Alternatively it may be regulated, in which case, the disclosure can be made to 'prescribed' persons should the malpractice fall within that body's regulatory remit.

These prescribed bodies include but are not limited to:

- Your Local Authority
- The Children's Commissioner
- The Charity Commission
- HM Revenue & Customs
- The Health and Safety Executive
- The Financial Services Authority
- The Office of Fair Trading
- The Environment Agency
- The Information Commissioner
- The Serious Fraud Office

The relevant regulatory or non-regulatory body will carry out investigations as necessary and in line with the procedures and processes outlined by them. A full list of prescribed persons and bodies can be found in the schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549) or through the government website. The disclosure will be protected under legislation in the same way as a disclosure made internally as long as it meets the same conditions.

### **Disclosures to the Media**

We will not treat disclosures to the media as reasonable. As such, the matter may be considered as misconduct and treated as a disciplinary matter in line with our disciplinary and grievance policy and procedure.

If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate official organisation or regulatory body.

### **Anonymous Reports**

In view of the protection afforded to an individual raising a genuine concern, it is considered desirable that they disclose their personal information. However, anonymous disclosures will be accepted and treated as equally as those bearing a name. When receiving an anonymous report:

- a decision will be made about whether it is possible to pursue the report based on the information provided
- a complete and comprehensive investigation will be more challenging as there is no option to seek further information or clarification
- it will not be possible to share any outcome or actions from an investigation.

### **Treatment by Others**

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

### **Further Advice**

For protection under the Public Interest Disclosure Act 1998, employees need to be aware of the strict rules governing disclosures. If at any stage you feel unsure or would like to discuss it with someone independent, you can discuss your concern with someone at Protect. Protect is an Independent Whistleblowing charity. They provide confidential advice to possible whistleblowers who are concerned about making a disclosure. Their contact details are: <https://protect-advice.org.uk/> Advice line: 020 7404 6609 and 020 3117 2550 Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

**\* In the event that the Chief Executive is unavailable (annual leave etc.) then the whistleblowing concern will be passed on to the Chair of the Board of Trustees.**