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Whistleblowing policy & procedure

1. Introduction

(insert organisation name) is committed to a culture that encourages the highest standards of openness, integrity and accountability and to continuous improvement in the way we support staff, trustees and anyone works for the organisation and their families. This policy sets out the way in which staff and trustees may raise any concerns that they have and how those concerns will be dealt with.

A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

2. Identifying a whistleblowing concern

(insert organisation) has established this Whistleblowing Procedure, which establishes a process for employees to report their concerns about serious misconduct by (insert organisation) or a (insert organisation name) employee or trustee. For a disclosure to be protected by the Act’s provisions it must relate to matters that “qualify” for protection under the Act. Qualifying disclosures are disclosures which the member of staff or trustee reasonably believes tends to show that one or more of the following matters is either happening now, took place in the past, or are likely to happen in the future:

- a criminal offence was committed or is being or is likely to be committed;
- a person has or is or is likely to fail to comply with a legal obligation;
- a miscarriage of justice has occurred or is or is likely to occur;

- the health and safety of any individual has been or is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- that information falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

3. Key points

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 organisation's responsibility to ensure that an investigation takes place.

Examples include

- wilful or intentional harm or physical, psychological or financial abuse of a person;
- theft, fraud, deliberate falsification of records;
- fighting, assault on another person or threat of violence or offensive behaviour;
- consumption of alcohol or the use of drugs (unless prescribed medication) whilst at work;
- any act or omission which puts people at risk of harm or abuse;
- deliberate disregard of a safety or environment regulation or requirement.

The policy is not intended to be used when other procedures would be more appropriate. For example, the procedure in the Grievance Policy should be used in relation to employment issues including complaints about your pay, working hours, workload or bullying by fellow workers.

We will aim to resolve matters quickly and without the initial involvement of an outside agency or the trustee chair/member(s) of the Board. However, there may be exceptional circumstances when it will be necessary to involve someone from outside of the organisation. Possible situations include:

- when the concern involves a very senior member of staff. In this case, the matter can be reported to the Chair of the Board of Trustees or a member of the Board.
- when a criminal offence has been committed. Such incidents will be reported to the police.

Employees may also disclose alleged wrongdoing or malpractice to certain specified bodies in circumstances where the alleged wrongdoing or malpractice falls within that body's remit, such as the Health and Safety Executive or the Financial Conduct Authority.

Policy

It is (insert organisation name)'s policy to operate in accordance with the law and as an employer, to ensure that at every level, our staff operate and our activities are conducted in compliance with all legal requirements that govern these. We operate as a team and



expect our employees to all play their part as members of the team, acting for the good of the organisation as a whole.

We are fully aware of our legal responsibility to a whistleblower and will respect that legal protection. There is no reason for any employee to believe they will detrimentally suffer for raising a concern if they believe that something is wrong, or that we would conceal or destroy evidence.

Public Interest Disclosure Act 1998

- The Act protects “whistleblowers” from suffering detrimentally in employment and automatically makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.
- Voluntary workers (including organisation Trustees and organisation volunteers), are NOT protected.

Safeguards/Confidentiality

(insert organisation name) will not tolerate punishment or unfair treatment of any employee who reports concerns in good faith or who participates in an investigation of any such reports. Retaliation against an individual for reporting in good faith any violation, or for participating in any such investigation is a serious violation of the (insert organisation name) Standards of Conduct that will in accordance with (insert organisation name) Disciplinary Procedure subject the violator to appropriate disciplinary action, including the possible termination of employment. Any such retaliation should be immediately reported.

If after investigation the reported concerns cannot be confirmed or do not have substance, no action will be taken against the employee if the concern was raised in good faith. However, as investigations are costly and potentially damaging, if an employee raises a concern that is determined to have been made maliciously or without any reasonable basis, (insert organisation name) may take appropriate action in accordance with (insert organisation name) Disciplinary Procedure against the employee.

(insert organisation name) recognises that some employees may want to raise a concern in confidence under this Policy. Confidentiality will be maintained to the extent possible, however in some circumstances the individual may be identified by the nature of the concern or report filed, or the investigation itself may lead to a point where a statement is required or the individual is called upon to provide evidence. In circumstances where maintaining complete confidentiality hinders the truth, or where it may be required under law or regulation, (insert organisation name) cannot guarantee the confidentiality of the reporting employee.

(insert organisation name) encourages employees not to make anonymous reports, as it can hinder or complicate investigations and possibly prevent appropriate action from



being taken. However, if an employee believes there is no other way to report their concern than to make an anonymous report, then the employee may do so.

Management Responsibilities

- Management at all levels must handle all reports seriously, confidentially and promptly. All evidence and documentation should be preserved.
- The manager or department director to which the report was initially made shall promptly inform the director of operations of the report with their recommendation on how to proceed. These reports will be independently verified by the operations team who will identify the legal implications for the organisation. All reports will be referred to the CEO or Chair of the Trustees, (depending on who is involved), who will decide on the appropriate course of action.
- The operations director will report to the CEO any instances of Whistleblowing by employees.
- Unless the report was made anonymously, and unless otherwise inappropriate, the employee making the report will be informed of the status of the report.
- In the event that an employee is not happy with the organisation's response they may appeal directly to the CEO, who will discuss the matter with the Chair of the Board of Trustees.

Procedure

The procedure adopted by (insert organisation name) provides an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. This policy applies to all (insert organisation name) employees and trustees in all areas of the organisation including volunteers.

(insert organisation name) recognises that employees are often the first to notice that there may be something wrong within the organisation. Most concerns are of a relatively minor nature and where possible should be resolved through employee's normal line management.

Reporting a concern

Employees wishing to raise a specific concern are encouraged to directly and openly discuss their concern first with their direct supervisor, line manager or director, as this is the fastest and preferred way to resolve any issues and the best way to ensure a good and open work environment. Because (insert organisation name) recognises that employees may not express their concerns due to feelings of disloyalty to colleagues, or fear of punishment or unfair treatment, the organisation wants to make it clear that employees can raise serious concerns without such fear and any concerns, however, they must be brought forward as early as possible, thus reducing the risk of any problem



becoming more serious.

You do not have to be able to prove the allegations, but you do need to have a reasonable and genuine belief that the information you have is true and you are acting in the public interest. Some allegations may prove to be unfounded but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

If an employee does not feel comfortable raising concerns with his or her direct supervisor, line manager or director, the employee may go to a senior member of staff in another department.

If an employee does not feel comfortable raising concerns via the methods above, or the report has not been dealt with satisfactorily, then the reporting employee can raise the issue with the CEO.

Often it is possible, and appropriate, to raise a concern directly with your line manager through personal contact or by telephone. E-mail also provides a quick way to bring something to the attention of a manager who may be 'off-site'. If the issue is complex a detailed email or letter may help ensure your concerns are fully understood, providing background and the reason for the concern, together with as much detail as possible including names, dates, places.

Employees should avoid any form of external communications regarding any reports unless internal investigations have been completed and all internal alternatives have been exhausted. i.e.; an employee should allow the organisation an appropriate period of time to investigate the issue and determine a course of action if the matter is substantiated. It is incumbent upon the organisation to ensure the employee involved is kept up-to-date on progress of an investigation and informed of the actions taken as well as to ensure the employee is not made to feel isolated or victimised.

Who to report to

The CEO has delegated the responsibility for implementing this Whistleblowing Policy to the (insert role name if appropriate). Please raise your concerns immediately with your line manager, however if this is not possible please escalate to the next senior person. Appendix 1 is a flow diagram of the process. In most cases you should not find it necessary to alert anyone externally, however you will still be protected in law if you disclose the information to the following:

- A legal adviser in the course of getting legal advice
- A Minister of the Crown
- One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1998 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenues and Customs).



Disclosure to any other person is not generally protected except in very limited circumstances.

If you wish to meet with a senior manager then a confidential meeting can be arranged. Any necessary action to arrange such a meeting will be taken immediately by the senior manager concerned.

Investigation

On receiving a whistleblowing alert, a senior manager will appoint someone with an appropriate background to undertake an investigation. In extreme cases, it may be the Chair of Trustees or a Board Member who initiates an investigation. Wherever possible, when outside agencies also carry out an investigation, we will endeavour to carry out the internal investigation in conjunction with the external investigation. The person appointed to be the investigating officer will usually be a senior member of the Operations Team or a senior experienced member of staff.

In exceptional circumstances, an independent person or a member of the trustee board may be appointed to undertake the task. The investigating officer will have the right in serious cases to recommend suspension where he/she feels that it is appropriate. Where appropriate the Chair of Trustees will be consulted about the appointment of the investigating officer and kept informed of progress.

The investigating officer will take whatever action is necessary to ensure a comprehensive investigation is undertaken into the area of concern. This may involve interviewing staff and other relevant people, checking documentation and records and visiting different organisation sites. It should be noted that the completion of an internal investigation does not prevent a separate disciplinary hearing, external enquiry or referral to another statutory body – for example, the Information Commissioner.

The report of the investigating officer will be returned to the originating senior manager who will refer it to the CEO or a SMT member with any recommendations for action. Additionally, the report may be referred to the Trustee Board. Any whistleblowing alert will be dealt with as quickly as practically possible. You will be kept informed of progress during the investigation and provided with a summary of the investigation, an outline of its findings and any action taken. A summary of concerns raised under this policy and whether substantiated or not will be submitted routinely to the SMT and where appropriate will be anonymised.

Retraction of allegation

Once the disclosure has been made you can retract it at any time but the organisation reserves the right to proceed with the investigation, even if you do not wish to proceed further.

Records



All concerns raised and action taken in response to disclosures will be recorded, and reports on all disclosures and investigations will be retained by the designated person for a period of two years.

Review

This procedure will be reviewed and updated to reflect changes in legislation that would require (insert organisation name) to amend its policy and procedures. As a minimum, it will be reviewed every 2 years.

Document Control Sheet

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