



Whistleblowing policy and procedure

Introduction

Our organisation is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the organisation to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, 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 line manager would be the appropriate person to be told).

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 organisation 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 to use them rather than air their complaints outside the organisation.

Definition

Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.

The Public Interest Disclosure Act 1998 gives protection to individuals, casual workers, agency workers and contractors who make a qualifying disclosure when they reasonably believe it is in the public interest for them to do so.

The organisation has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

Possible Whistleblowing Scenarios

Although this list is not exhaustive, examples of situations in which it might be appropriate for an individual to report a wrongdoing include:

- a breach, or potential breach, of health and safety legislation
- financial irregularities
- harassment of a colleague, customer or other individual
- damage to the environment
- the committing of a criminal offence
- an act of bribery
- deliberate concealment of any of the above.

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 the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the appropriate Manager unless the complaint is against the Manager or is in any way related to the actions of the Manager. In such cases, the complaint should be passed to a member of the Board for referral.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Board. The Board has the right to refer the complaint back to line management if it feels that the management without any conflict of interest, can more appropriately investigate the complaint.

The Board may also seek independent advice or consultancy support for any investigation it needs to undertake.

Should there be a need to inform the police, the organisation 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 preferred address.

Investigating Procedure

- Full details and clarifications of the complaint should be obtained.
- The Investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other work colleague at any future interview or hearing held under the provision of these procedures.
- The Investigating officer should consider whether there is a requirement to involve the organisations auditors and/or the Police at this stage and should consult with the Chair (or agreed Board representative)
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- 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. The report will be passed to the Line Manager/Board rep as appropriate.
- The Line Manager/Board rep will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate organisation procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the organisation Auditors enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair of the Board, or one of the designated persons described above.

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 organisation recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons/relevant bodies*.

Alerting outside bodies to a potential wrongdoing

An individual should always in the first instance, follow the organisation procedure in relation to reporting a potential wrongdoing. If having gone through the procedure the individual is not satisfied with the response, he or she is entitled to contact a relevant external body to express the concerns. In doing this the individual should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a **relevant** body
- have a reasonable belief it is in the public interest to make the disclosure.

*A “relevant body” is likely to be a regulatory body (eg the Health and Safety Executive, National Governing Body, Arts Council, Wales Audit Office, Ombudsman, Charity Commission or the Financial Services Authority).

Contacting the media

The media **is not** a relevant external body. Individuals should not contact the media with allegations about the organisation, except in extraordinary circumstances where neither the organisation nor the relevant regulatory body would be appropriate.

However, disclosing information in an inappropriate way (eg contacting the media) could result in disciplinary action being taken against the individual, which could include dismissal.

Protection against detriment

Any individual who takes appropriate action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimization by the organisation or by colleagues.

Policy review

This policy will be reviewed every other year unless legislation or other changes require an earlier update.

Doc: 2019_v2WBP	Date Adopted:	Date Reviewed:Sept2019
		Next review: Sept 2021