

## Whistleblowing Policy

### 1. Introduction

The Public Interest Disclosure Act 1998 provides legal protection to staff from being dismissed or penalised due to publicly disclosing certain concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013. If a disclosure is not made in 'good faith' this will still be considered by an employment tribunal with compensation reduced by up to 25%.

Organisations can be held vicariously liable if anyone victimises another staff member for disclosing concerns.

This policy supports and protects all staff and volunteers acting on behalf of the organisation.

Where it is not possible to hold a face-to-face meeting under this procedure, the process will be conducted remotely. The organisation will ensure staff and their representatives have access to the necessary technology for participating. Staff rights will not be affected, and the organisation will ensure the procedure remains fair and reasonable.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by law.

### 2. Policy Aims

- To ensure all staff and volunteers are aware of the protection offered to them by law if and when disclosing public interest concerns.
- To confirm the process to be followed when a disclosure is made including the investigation process and what to do if not satisfied with the outcome.

Whistleblowing may include concerns regarding one or more of the following (this list is not exhaustive):

- Abuse of power or status
- Criminal activity of the organisation, staff or volunteers
- Dangers to health and safety or the environment
- Deliberate attempts to conceal any of the above
- Failure to meet legal obligations
- Failure to comply with a legal obligation or Statutes
- Improper conduct or unethical behaviour
- Financial malpractice, impropriety or fraud
- Professional malpractice

### 3. Legal Protection

The law protects any staff member or volunteer who discloses concerns which are:

- In the public interest.
- To an appropriate person/body.

- Reasonably believed by the person of the validity of the concerns raised

#### **4. Anonymous Allegations**

Concerns expressed anonymously will still be considered and potentially investigated by the organisation however, disclosure of the person(s) raising the concern will aid any investigation to be more thorough.

#### **5. Malicious or Vexatious Allegations**

Should an allegation be made which, through investigation, is unfounded and there is no evidence to support it, no action will be taken

Should an allegation be made which, through investigation, is found to be malicious or vexatious in nature or for the purpose of personal gain, disciplinary action may be taken up to and including dismissal.

#### **6. How to Raise a Concern**

The individual should discuss the matter their line manager unless the concern is about their line manager, in which case they should speak to another manager or the Chief Executive.

All concerns will be investigated by the Chief Executive unless the concern is about the Chief Executive or is in any way related to their actions, in which case, the concern should be raised to the Chair of the Board who will appoint an independent person to investigate the allegations.

Where any meeting is arranged, the person raising the concern or anyone involved in the investigation process may choose to be accompanied by a colleague or Trade Union representative.

#### **7. Timescales**

Following completion of the investigation, the report will be provided to whomever instructed it who will write to the person who raised the concern to:

- Acknowledge the concern was received.
- Indicate how the matter will be dealt with.
- Give an estimate of how long it will take to provide a final response.
- Supply the individual with information on staff support and if the matter will be investigated and if not, why not.

#### **8. Outcome of Investigation**

Once the investigation has been completed and the report is received by the Chairperson, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.

If the person who raised the concern believes the concern has not been dealt with appropriately, they can appeal the decision internally to the Chair of the Board. If, after any internal appeal they are still not satisfied, they can choose to raise the issue with the appropriate external regulatory body.

#### **9. Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.