

# Whistle-blowing Policy

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## Who is covered by this policy?

All staff, trustees and volunteers.

## What is covered by this policy?

This policy outlines how to raise issues of concern which fall outside the scope of other Age Concern Bishop's Stortford policies and procedures, and how staff are protected against any ramifications of raising issues.

Under the Public Interest Disclosure Act 1998, a whistle-blower is prevented from suffering any detriment or having their contract of employment terminated for whistle-blowing for any matter which they raise under this policy. Under the Employment Rights Act 1996, workers who become whistle-blowers are protected where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. According to the Public Interest Disclosure Act 1998, the disclosure has to be 'in the public interest'.

## Purpose

The purpose of this policy is to ensure that staff understand what constitutes a whistle-blowing matter and what their rights and responsibilities are in relation to exposing wrongdoing.

## The policy

This policy is for dealing with concerns raised in relation to specific issues which are in the public interest.

These include:

- the unauthorised use of Age Concern Bishop's Stortford's funds;
- possible fraud or corruption;
- sexual, emotional or physical abuse or ill treatment or exploitation of beneficiaries, customers or staff;
- health and safety risks (including risks to the public as well as other employees or the potential for harm);
- conduct which is a criminal offence or breach of the law, including failure to comply with legal obligations;
- disclosures related to miscarriages of justice (where Age Concern Bishop's Stortford has acted improperly or unfairly);
- damage to the environment;

- other unethical conduct, including any deliberate concealment of any of the above.
  
- The legal protections provided by the legislation, require any whistle-blower to satisfy certain conditions and have followed the prescribed procedures. The following applies:
  - Disclosure to the employer will be protected, provided that it is made in good faith and the whistle-blower has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
  - Disclosure to a regulator (for example, The Health and Safety Executive, The Environment Agency or The Charity Commission for England and Wales) will be protected where, in addition, the whistle-blower honestly and reasonably believes that the information and any allegation in it are substantially true.
  - Disclosure to other bodies is protected if, in addition to the above, it is reasonable in all the circumstances and is not made for personal gain.
  - The whistle-blower must also meet one of the following requirements:
    - They reasonably believed that they would be victimised if they raised the matter internally.
    - They reasonably believed that the disclosure related to a criminal offence and, therefore, was a 'qualifying disclosure'.
    - There was no appropriate regulator in relation to the specific issue, and they reasonably believed the evidence was likely to be concealed or destroyed.
    - The concern had already been raised with the employer or an appropriate regulator.
    - The concern is of an exceptionally serious nature.
    - They had suffered an identifiable detriment.

Age Concern Bishop's Stortford encourages staff to raise in good faith concerns they may have regarding any procedure or practice within the organisation.

Age Concern Bishop's Stortford will ensure that any member of staff who makes a disclosure along the lines listed above will not be penalised or suffer any adverse treatment for doing so.

However, a member of staff who does not act in good faith or makes an allegation without having reasonable grounds for believing it be true or makes it for purposes of personal gain, maliciously or vexatiously may be subject to disciplinary proceedings.

This policy only applies to issues which fall outside the scope of Age Concern Bishop's Stortford's other policies and procedures. The policy will not apply to personal grievances concerning an individual's terms and conditions of employment or other aspects of the working relationship such as complaints of bullying or harassment or disciplinary matters. Age Concern Bishop's Stortford investigates such complaints under the applicable procedure.

If it becomes apparent to the external investigator, during the course of any investigation into a public interest disclosure, that the concern relates more appropriately to another procedure, that procedure will be invoked.

## **The procedure**

If you have a concern about malpractice, you should raise it first with your line manager (or chair of trustees if you are a trustee). This will obviously depend upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

If you believe that your immediate line manager is involved or you feel, for whatever reason, unable to raise it with your line manager, you should then raise the issue with the Centre Manager. If you have concerns about raising the issue with the Centre Manager, then you should contact the chair of the board of trustees.

If your concern involves a trustee, then you should go to the chair of trustees, and if the chair of trustees is involved, go to the Centre Manager who will seek guidance.

You should put your name on the complaint. If requested, your identity will be kept confidential for as long as possible, provided that this does not prejudice the enquiry.

Anonymous complaints may be investigated or acted upon as the person receiving the complaint believes to be appropriate, having taken into account the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate an anonymous complaint and fairness to any individual mentioned in the complaint.

Age Concern Bishop's Stortford will always respond to any concerns raised. A relevant manager or a nominated investigating officer will investigate the concern.

Within ten working days of a concern being raised, the person investigating the concern will write to you:

- acknowledging the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to complete the investigations;
- telling you whether any initial enquiries have been made;
- supplying you with information on how Age Concern Bishop's Stortford will support you if you think this is necessary.

The amount of contact between you and the person considering the matter will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided.

Age Concern Bishop's Stortford will take steps to minimise any difficulties which you might experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, it will make arrangements for you to receive advice about the procedure.

If you feel that Age Concern Bishop's Stortford has not responded correctly at any stage, remember that you can bring up the matter with external authorities.

While Age Concern Bishop's Stortford cannot guarantee that all matters will be addressed in the way that you might wish, it will always aim to handle the matter fairly and properly. By following this policy, you will help Age Concern Bishop's Stortford achieve this.

If you do take the matter outside Age Concern Bishop's Stortford, you should not disclose confidential information unless necessary for the investigation.

If your concern is not substantiated, you should not take any subsequent action or make any disclosure to anyone other than those referred to in this policy.

