



# Whistleblowing Policy and Procedure

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## 1 Purpose

This policy applies to all staff (including employees, contractors, agency workers and governors). Other individuals performing functions in relation to the organisation are also encouraged to use it. It is important to the business that any fraud, misconduct or wrongdoing by staff of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business 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.

## 2 Policy

The Public Interest Disclosure Act provides protection for employees who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. A qualifying disclosure is one made in the public interest by a person who has a reasonable belief that:

- 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; or
- Concealment of any of the above;

is being, has been or is likely to be committed. It is not necessary for the employee/worker to have proof that such is being, has been or is likely to be committed – a reasonable belief is sufficient. The employee/worker has no responsibility for investigating the matter – it is the organisation’s responsibility to ensure that an investigation takes place.

A person who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The Centre encourages employees/workers to raise their concerns under this procedure in the first instance. If a person is not sure whether or not to raise a concern, they should discuss the issue with the Centre Manager/Director.

## 3 Principle

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers 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 person 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 person will not be prejudiced because they have raised a legitimate concern.
- Victimisation of a person for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, the organisation’s disciplinary policy/procedure will be used, in addition to any appropriate external measures.



- Maliciously making a false allegation is a serious offence. Wilful misuse of this procedure may constitute an act of gross misconduct and will be subject to disciplinary action, which may include dismissal.
- 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, the person should not agree to remain silent. They should report the matter to a Senior Management or Board Members.

## 4 Procedure

1. The purpose of the procedure is to enable a disclosure to be made to a “designated person” and to indicate the manner with which the matter will be dealt following disclosure. All matters under this procedure will be treated in confidence in a manner appropriate to the nature of the disclosure.
2. For the purpose of this procedure, the designated person is the Centre Manager, in their absence it is the Director. If the protected disclosure relates directly to one of the above named people, it should be referred to the Company Owner.
3. The designated person on receiving information on a protected disclosure from any employee will acknowledge in writing receipt of such disclosure as soon as reasonably possible.
4. The designated person will decide in conjunction with a senior member/board member how the investigation is to be conducted. An investigation may involve the employee and other individuals involved, providing a written statement. Any investigation will be carried out in accordance with the principles set out in section 3. The investigation will be led by the designated person. The employee’s statement will be taken into account and they will be asked to comment on any additional evidence obtained.
5. The designated person will take any necessary action, including reporting the matter to the Board of Governors or regulatory agency. If disciplinary action is required, the Centre Manager will start the disciplinary procedure.
6. On the conclusion of any investigation, the employee will be told of the outcome of the investigation and what action has been taken or what action will be taken. If no action is to be taken, the reason for this will be explained.

## 5 Appeal

If the employee/worker is concerned that following the investigation and subsequent action, they believe that the conduct is continuing or that the appropriate action has not been taken, they may raise the matter with the Chair of the Board.

The Chair of the Board (or such person designated by them) will review the investigation and subsequent action (either alone or together with another Board member) and advise the employee, in writing, as soon as possible of the review.

If following receipt of such advice, the employee/worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs
- The Financial Conduct Authority
- The Health and Safety Executive
- The Environment Agency



- The Independent Policy Complaints Commission
- The Serious Fraud Office

## 6 Whistleblowing externally

There are other options if you do not want to report your concern to your employer, for example you can get legal advice from a lawyer or tell a prescribed person or body.

If you tell a prescribed person or body, it must be one that deals with the issue you're raising.

A list of prescribed people and bodies can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

## 7 Law relating to this Document

- Employment Rights Act
- Public Interest Disclosure Act
- Enterprise and Regulatory Reform Act

## 8 Monitoring, Review and Evaluation

This policy/procedure will be reviewed every two years or in response to changes to legislation or best practice, whichever is the sooner

The Company Owner has the overall responsibility for this policy and process is adhered to.

## 9 Analysis

Reports of Whistleblowing will be raised to the Management Committee and monitored.