

13.0 Whistle Blowing

Policy: Whistle Blowing Procedure.

Other Relevant Policies: Harassment, Bullying, Dignity at Work

Applicable to: All staff, volunteers, certain other individuals (see contents)

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Authorised by: Executive Directors Group

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Introduction

This policy seeks to ensure members of staff, volunteers and those associated with the Charity with concerns regarding serious malpractice that every effort will be taken to ensure that it is safe to raise them without fear of reprisal. Additionally, Break is committed to maintaining the highest standards of quality, probity, accountability and openness and to ensuring that any malpractice, should it arise, is immediately dealt with.

The policy is not intended to replace the Grievance Procedure, which should be used if members of staff are concerned about being personally disadvantaged by the action or failure of action by others. The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

- 13.1 Members of staff have a duty to raise any concerns about serious malpractice which they may become aware of and are encouraged to 'blow the whistle' as early as possible by using internal mechanisms initially, so that they may be investigated without delay. Failure to report such concerns could lead to disciplinary action.
 - 13.2 Encompassing the spirit of the Public Interest Disclosure Act, this policy is to protect members of staff who disclose conduct or neglect of duty, by other members of staff, which is criminal, dangerous or otherwise improper. The term 'whistleblower' is used to describe staff who make such disclosures.
 - 13.3 Protection
 - 13.3.1 Every effort will be made to ensure members of staff (including temporary staff, trainees, agency workers and volunteers) disclosing information are supported where any of the following apply:
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Policies & Procedures

- the disclosure is made in good faith
- they believe it is true
- it is not made for personal gain
- the information meets the criteria of a 'qualifying disclosure'

13.3.2 Break will ensure that a 'whistleblower' will not be subjected to disciplinary action or dismissal, on account of having made a protected disclosure if made in good faith and in accordance with this policy and procedure.

13.3.3 Protection will apply equally if a member of staff comes forward in good faith but after investigation their concerns turn out to be unjustified.

13.3.4 Anyone who tries to discourage a member of staff from coming forward to voice a concern will be subject to investigation under the Disciplinary Procedure.

13.3.5 If any reports of victimisation, harassment, bullying etc against a 'whistleblower' are made the individual(s) concerned will be investigated under the Disciplinary Procedure.

13.4 Qualifying Disclosure

13.4.1 Under the Act a qualifying disclosure is defined as any disclosure of information which, in the reasonable belief of the member of staff making the disclosure, tends to show one or other of the following matters:

- the commission of a criminal offence, e.g. fraud, Bribery, theft etc
- failure or likely failure to comply with a legal obligation
- a miscarriage of justice
- a threat to the health and safety of any individual
- damage to the environment
- deliberate concealment of any of the above

13.4.2 Break has a series of policies which aim to make clear what is and what is not considered appropriate staff behaviour and conduct. These include:

- Equal Opportunities
- Discrimination
- Dignity at work

13.5 Any unnecessarily overzealous reporting would be considered inappropriate and counter-productive. Additionally, any staff member who makes an allegation frivolously, maliciously or for personal gain, may be subject to disciplinary action.

13.6 When following Break reporting procedure, members of staff have the right to be accompanied by a colleague.

13.7 Internal Reporting Procedure (to be used in the majority of cases)

13.7.1 It will usually be appropriate for staff concerns or complaints to be dealt with by their line manager or Operations Manager.

13.7.2 In cases where members of staff may feel unable to approach their line manager or Operations Manager, the following confidential, internal reporting channels are available without fear of reprisal or victimisation.

Policies & Procedures

- Chief Executive
- Executive officer
- People Resources manager
- Any Trustee

13.7.3 In receiving a complaint, the above nominated personnel will use the utmost discretion and judgement in deciding how the matter should be pursued and may have to refer the matter to another appropriate internal person/source for guidance.

13.7.4 Depending upon the nature and seriousness of the complaint external bodies such as the Police, Housing Corporation, Local Authority, Social Services, External Auditors, or other Professional Bodies etc may have to be involved.

13.8 External Reporting Procedure (only to be used in extreme cases)

13.8.1 If Break's policies and procedures are working properly, it should not be necessary to contact any external bodies, apart from exceptional cases of extreme urgency or seriousness.

13.8.2 If the 'whistleblower' raises their concerns with an external body without first exhausting the internal reporting channels they will only be 'protected' if in making the disclosure externally they:

- fear being subjected to a detriment if they raise the matter internally
- believe Break may conceal or destroy evidence if the disclosure is made internally first
- have previously made the disclosure internally but no action has been taken
- consider the seriousness of the allegation warranted such action

13.8.3 Depending upon the nature of the complaint external reporting could be directed to the Police, Local Authority, Social Services, External Auditor or other Professional Bodies that may have to be involved.

13.9 Anonymous Allegations

13.9.1 This policy encourages employees to put their name to any allegation whenever possible.

13.9.2 Concerns expressed anonymously are much less powerful but will be considered at Break's discretion.

13.9.3 In exercising its discretion the factors to be taken into account would include

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

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Further guidance

Further guidance and support regarding this policy is available from the HR Department

Relevant Legislation

Employment Rights Act 1996

Public Interest Disclosure Act 1998

Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2008