

## Whistleblowing Policy

The law provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act of 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 worker to have proof that such an act is being, has been, or is likely to be committed – a reasonable belief is sufficient. The worker has no responsibility for investigating the matter. It is the organisations responsibility to ensure that an investigation takes place.

A worker who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

The organisation encourages worker to raise concerns under this procedure in the first instance. If a worker is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager.

### Principles:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful of 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 worker who raised the issue,
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the organisations disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously make a false allegation is a disciplinary offence.
- 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, workers should not agree to remain silent. They should report the matter to a director.



This procedure is for disclosures about matters other than a breach of employees own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be broken, he/she should use the organisations grievance procedure.

Procedure:

1. In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing, or if for any reason the worker does not wish to approach his/her line manager, any concerns should be raised with their line manager. If they believe the line manager to be involved, or for any reason do not wish to approach the line manager, they should proceed to stage 3.
2. The line manager will arrange an investigation in to the matter, either investigating themselves or passing the issue to some in a more senior position. The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The workers statement will be taken in to account and they will be asked to commence on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to the human resources department and start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.
3. If the worker is concerned that his/her line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, he/she should inform a director of the, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own report to the board as in stage 2 above. If for any other reason the worker does not wish to approach his/her line manager he/she should also in the first instance contact [name of director as above]. Any approach to the director will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent.
4. If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, he/she 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 (formerly the Financial Services Authority);
  - the Competition and Markets Authority;
  - the Health and Safety Executive;
  - the Environment Agency;
  - the Independent Police Complaints Commission; and



- the Serious Fraud Office.
- How to use this document
- This is an example document and should be adapted to suit your circumstances.
- Law relating to this document
- Leading statutory authority
- Employment Rights Act 1996