

Voluntary and Community Action South Bedfordshire

WHISTLE BLOWING POLICY

1. General Policy Statement

Voluntary and Community Action is committed to achieving the highest possible standards in all of its practices. To achieve this, it encourages freedom of speech and the use internal mechanisms for reporting any malpractice or illegal acts or omissions by its current and former employees, volunteers and trustees.

2. Purpose

The purpose of this policy is to outline the duty and responsibility of employees, volunteers and trustees, working on behalf of Voluntary and Community Action, in relation to the disclosure of malpractice, including illegal acts or omissions, within the organisation by any (current or former) employee, volunteer or trustee. This is often referred to as *whistle blowing*.

The key objectives of this policy are to:

- create a framework for whistle blowing across the organisation;
- encourage the use internal mechanisms for reporting any malpractice, illegal acts or omissions;
- provide a clear procedure that will be implemented where concerns about malpractice arise;
- protect those who raise genuine concerns about malpractice from victimisation.

3. Scope

For the purpose of this policy *whistle blowing* is defined as the disclosure of malpractice, including illegal acts or omissions, within the organisation by any (current or former) employee, volunteer or trustee.

Voluntary and Community Action has a range of policies and procedures, which deal with standards of behaviour at work; these include:

- Code of Conduct
- Equality and Diversity
- Governance
- Financial Controls
- Data Protection and Confidentiality
- Disciplinary
- Grievance
- Volunteering
- Recruitment
- Safeguarding

This policy needs to be read in conjunction with these other policies. Employees, volunteers and trustees are encouraged to use the provisions of these policies and procedures when appropriate.

There may be times, however, when the matter is not about someone's personal role within the organisation and needs to be handled in a different way. The following list, which is not exhaustive, gives examples:

- malpractice or ill treatment of a user by an employee, volunteer or trustee;
- a criminal offence has been committed, is being committed or is likely to be committed;
- suspected fraud or breach of a standing financial instruction;

- failure to comply with a legal obligation;
- disregard for legislation, particularly in relation to health and safety at work;
- showing undue favour over a contractual matter or to a job applicant;
- a breach of a code of conduct;
- a deliberate attempt to conceal information on any of the above.

In all cases of disclosure by an employee, volunteer or trustee, Voluntary and Community Action will take their concerns seriously and will investigate fully the allegations. However there is always a presumption of innocence unless there is evidence to the contrary.

Voluntary and Community Action will not tolerate any harassment or victimisation of a whistleblower, and will treat this as a serious disciplinary offence, which will be dealt with under the relevant policy and disciplinary procedure.

The relevant policies and procedures for managing behaviour, including disciplinary action, are set out in the Performance Management Policy and/or Disciplinary Policy (in the case of an employee) or the Volunteering Policy (in the case of a volunteer) or the Governance Policy (in the case of a Trustee), as appropriate.

4. Legal framework

This policy reflects the principles contained within the Public Interest Disclosure Act 1998, which created a framework for whistle blowing across the private, public and voluntary sectors. The Act provides almost every individual in the workplace with protection from victimisation where they raise genuine concerns about malpractice in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work.

However, in line with the British Standards Institution publication *Publicly Available Specification (PAS) Whistleblowing arrangements code of practice*, this Policy has been extended to include non-executive directors (i.e. trustees) and volunteers.

5. Responsibilities

In relation to the reporting any malpractice or illegal acts or omissions, specific responsibilities are as follows:

Trustee Board

The Trustee Board will ensure that the Policy are properly implemented and will designate lead responsibility for this to the Director.

Any investigation arising under this policy will be reported to the Board, which will also be responsible for deciding whether any external enquiry is warranted, and whether an incident should be reported to the police or local authority.

Director

The Director is responsible for ensuring that all employees, volunteers and trustees are aware of the provisions of this policy and how to report a concern or allegation.

6. Raising Concerns

Employees, volunteers or trustees who become aware that malpractice is happening (or has happened or is likely to happen) should raise their concerns with the Director immediately, who will undertake an investigation (see section 7).

Where the allegation is made against the Director, concerns should be raised with the Chairperson of the Trustee Board, who may decide that an external investigation is warranted.

7. Procedure in the Event of a Disclosure

The Director will be the point of contact for all employees, volunteers and trustees who wish to raise concerns under the provisions of this policy (except in the case of allegations against the Director, which should be reported to Chairperson of Voluntary and Community Action).

Where concerns are raised with the Director (or Chairperson) they will arrange an initial interview with the whistleblower, which will be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether they wish their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. They will also be asked whether or not they wish to make a written or verbal statement. In either case, the Director (or Chairperson) will write a brief summary of the interview, which will be agreed by both parties.

8. Undertaking an Investigation

The Director (or Chairperson) will undertake an initial investigation, which may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, such as allegations of ill treatment of service users, suspension from work may have to be considered immediately. The protection of vulnerable service users is paramount in all cases, as set out in the Safeguarding Policy.

In undertaking an investigation the Director (or Chairperson) will deal promptly with the matter, record evidence received and ensure the security and confidentiality of evidence.

If the concern raised is very serious or complex, a decision may be made to conduct an external, independent and/or specialist enquiry. In cases of suspected illegal acts or abuse the police and/or local authority may be involved. A decision to conduct an external enquiry will always be made by the Trustee Board (except where safeguarding issues are involved).

Irrespective of the outcome of any investigations, the organisation may limit the activities of the employee, volunteer or trustee concerned and consider suspension and/or disciplinary action in accordance with its disciplinary procedures.

The Director (or Chairperson) will offer to keep the whistleblower informed about the investigation and its outcome.

9. Action Arising from an Investigation

If the result of the investigation is that there is a case to be answered by an individual, Voluntary and Community Action will take the necessary action to advise, manage or instigate disciplinary action against the employee, volunteer or trustee about whom the allegation has been made.

Voluntary and Community Action will also seek to remedy any malpractice by amending its policies, procedures and systems or taking other corrective action as necessary to prevent the malpractice from continuing or likely to occur again.

Where there is no case to answer, but the whistleblower held a genuine concern and was not acting maliciously, the Director (or Chairperson) should ensure that the employee, volunteer or trustee suffers no reprisals.

Only where false allegations are made maliciously, will it be considered appropriate to instigate disciplinary action against the whistleblower under the terms of the relevant policy and procedure.

The Director (or Chairperson) will meet with the whistleblower to give feedback on any action taken. This will not include details of any disciplinary action, which will remain confidential to the individual concerned.

If the whistleblower is not satisfied with the outcome of the investigation, they will be invited to make disclosures to the Chairperson (or other trustee(s)) who may refer the matter to the Trustee Board. The Board will give due consideration to the issues raised, including taking specialist advice or requesting an external investigation.

If the whistleblower remains dissatisfied, Voluntary and Community Action recognises the lawful rights of (current and former) employees, volunteers and trustees to make disclosures to the relevant authorities, such as the Charity Commission, Companies House, Health and Safety Executive, the police, the local authority or elsewhere, where justified.

10. Monitoring and Review

The effectiveness of this policy, and its procedures, will be monitored and amended as and when necessary by the Director. Significant changes will require the approval of the Trustee Board. The policy will also be reviewed every three years as part of a continuing review of organisational policies.