

## WHISTLE BLOWING POLICY AND PROCEDURE

<b>Author</b>	<b>Sarah Lloyd</b>
<b>Status</b>	<b>Approved</b>
<b>Date Approved</b>	<b>17.6.2024</b>
<b>Current Version</b>	<b>V2</b>
<b>Next Review</b>	<b>June 2026</b>
<b>V1</b>	<b>20.02.2021</b>
<b>V2</b>	<b>17.06.2024</b>

### POLICY STATEMENT

- This policy applies to all colleagues of Age UK Bournemouth, Poole and East Dorset. (AGEUKBPED)
- Age UK Bournemouth, Poole and East Dorset is committed to maintaining high standards of openness, honesty, probity and accountability. In line with this commitment, it encourages employees and volunteers with serious concerns about any aspect of the Charity's work to come forward and voice those concerns. This policy makes it clear that such concerns can be raised without fear of reprisal and reflects the requirements of the Public Interest Disclosure Act 1998.
- This policy applies to all persons working for us or on our behalf, including trustees, employees at all levels whether permanent or temporary, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners (collectively referred to as Age UK Bournemouth, Poole and East Dorset colleagues) This procedure does not form part of any employee's contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case.
- All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. By promoting a culture of openness within Age UK Bournemouth, Poole and East Dorset, employees, partners and other stakeholders are encouraged to raise issues which are of concern at work. By knowing about malpractice at an early stage, steps can be taken to safeguard the interests of all staff and prevent fraud and corruption before it happens.

### AIM

- The aim of the policy is to help trustees, employees, volunteers and other partners to raise any serious concerns they may have about colleagues of Age UK Bournemouth, Poole and East Dorset with confidence and without having to worry about being victimised or disadvantaged in any way as a

result.

- The policy will ensure everyone is aware of what to do and the appropriate person to notify in the event of concerns around serious malpractice, breaches of regulations or criminal offences and will allow for investigation of matters where there is 'reasonable belief' that malpractice is or may be occurring. It will also advise on the protection they will receive from AUK BPED and offered under the Public Interest Disclosure Act 1998 (PIDA). It should be noted that the whistleblowing procedures should not be used in relation to employee grievances concerning individual terms and conditions of employment or other aspects of the working relationship which are handled under the Age UK BPED Grievance Policy.

## **WHAT IS WHISTLEBLOWING?**

- Whistleblowing is the process by which an individual raises a concern about a perceived past, current or future wrongdoing in an organisation or body of people.
- The whistleblowing policy applies to all colleagues of Age UK Bournemouth, Poole and East Dorset and provides advice on how they should address any personal matters of conscience or professional concern that they may experience in the course of their work. This may include something that an employee believes is fundamentally wrong, illegal or endangers others within Age UK Bournemouth, Poole and East Dorset or the public.
- Colleagues are encouraged to raise any concerns they may have about a wrongdoing and will be afforded protection.
- All genuine concerns will be handled responsibly, professionally and in a positive manner and help and support will be available to employees where concerns are raised under the appropriate procedures.
- Matters that are against the public interest may be classed as a qualifying disclosure (often referred to as whistleblowing) which then provides legal protection for individuals making such disclosures under the Public Interest Disclosure Act 1998.

## **WHAT IS THE PUBLIC INTEREST DISCLOSURE ACT 1998 (PIDA)?**

- PIDA provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'.
- The protection applies not only to employees but to all workers and volunteers. This includes agency temps, consultants and contractors.
- As the name implies, PIDA is there to protect disclosures about activity which

is against the public interest. For example, if you suspect someone is committing fraud (such as falsifying expense claims) or corruption (such as manipulating a contractual process for personal gain), or that health and safety standards prescribed by law are not being observed, these would be qualifying disclosures. This is because these activities are illegal, and therefore against the public interest.

## **WHAT IS A QUALIFYING DISCLOSURE?**

- A disclosure that qualifies for protection is when, in the reasonable belief of the worker making it, it tends to show that one or more of the following has occurred, is occurring or is likely to occur:
  - the improper use of charitable funds
  - a criminal offence
  - failure to comply with a legal obligation (for instance, compliance with the Data Protection Act (mishandling/misuse of personal data relating to staff, customers, suppliers, providers etc.)
  - the endangering of an individual's health and safety
  - poor quality of care, abuse or neglect
  - damage to the environment
  - deliberate concealment of information tending to show any of the above
  - improper or unethical conduct
- This list is not exhaustive.
- PIDA does not apply to disclosures about something which affects you personally rather than the public interest. For example, if you believe you are being unfairly treated at work (maybe because of not being promoted or because you have been harassed) redress should be sought, not via PIDA, but by using the grievance or harassment procedure.
- The exception to this is if the grievance in question is that you believed you had been victimised after making a qualifying disclosure. Another exception would be if you considered that you were required to do something which was unethical or illegal.
- For a disclosure to be protected it should be made in the appropriate manner to an Age BPED senior member of staff mentioned below, for example, disclosing a serious health and safety issue to a manager and / or the Health and Safety Officer is likely to be protected, but not if the concern was disclosed directly to the newspapers or media without having first attempted to make the organisation aware of the problem.
- This procedure provides guidance on what falls under the scope of the

whistleblowing legislation, how any such issues may be raised in confidence within Age UK BPED and provides assurances that its employees will be protected from suffering from any detriment (i.e. victimisation, discrimination, or dismissal) for raising any matters of public interest.

### **ARE THERE ANY FURTHER PRECONDITIONS THAT MUST BE MET?**

- The whistle blower must also meet one or other of the following further preconditions:
- They reasonably believed they would be victimised if they raised the matter internally
- They believed that the disclosure is related to a suspected criminal offence
- They reasonably believed the evidence was likely to be concealed or destroyed
- The concern had already been raised with the employer or a suitable alternative
- The concern is of an 'exceptionally serious nature

### **WHAT RIGHTS DO I HAVE?**

- The individual has the right to be able to report any personal matter of conscience or concern they encounter in the workplace. They also have a specific right to legal protection if they expose activities that they believe to be illegal or against the public interest.

### **HOW DO I REPORT A PERSONAL MATTER OF CONSCIENCE OR CONCERN AT WORK?**

- Any personal professional matters of concern or matters of conscience experienced in the course of work should, if possible, firstly be raised informally and resolved through the line manager or a member of the senior management team. Whilst no proof is required, employees are expected to act in good faith and have a reasonable belief in the information being disclosed.
- The senior management team can be reached via email
- Sarah Lloyd - Chief Executive Officer  
([sarah.lloyd@ageukbped.org.uk](mailto:sarah.lloyd@ageukbped.org.uk))
- Judith Livingstone – Chief Operating Officer

[\(judith.livingstone@ageukbped.org.uk\)](mailto:judith.livingstone@ageukbped.org.uk)

- If the matter cannot be resolved informally, or the individual does not feel able to address the issue due to its seriousness, they can raise their concern formally. They should raise their concern in writing to one of the nominated officers listed below.

- 

Sarah Lloyd, Chief Officer Age UK Bournemouth, Poole and East Dorset 700 Wimborne Road, Winton, Bournemouth BH9 2EG or via email [sarah.lloyd@ageukbped.org.uk](mailto:sarah.lloyd@ageukbped.org.uk)

- Rachel Newman, Chair of Trustees, c/o 700 Wimborne Road, Winton, Bournemouth, BH9 2EG or via email [rachel.newman@ageukbped.org.uk](mailto:rachel.newman@ageukbped.org.uk)
- If their concern is regarding the Chief Executive, they should direct their concerns directly to the Chair of the Trustees. (as above)
- If the matter is of extreme concern or is not a concern which can be raised internally within Age UK Bournemouth, Poole and East Dorset, it can be raised with the Chief Executive of Age UK,
- Alternatively, a concern can be raised with the Charity Commission, [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)
- Whilst concerns should normally be raised first within Age UK Bournemouth, Poole and East Dorset, it is appreciated that some issues may be so serious that they need to be raised first through external routes. Extreme care should be taken if raising concerns outside of the prescribed routes (e.g. with the media, campaign groups, MPs, political parties or on social networking sites) as this may bring an employee into conflict with Age UK Bournemouth, Poole and East Dorset. Such disclosures are only protected by PIDA 1998 in exceptional circumstances and, if not protected, could result in disciplinary procedures and ultimately dismissal for breach of confidence. An employee should take independent legal advice or advice from his/her trades union before making such a disclosure.

## **WHAT INFORMATION IS REQUIRED TO RAISE A CONCERN?**

- When raising a concern, an employee should try to provide the following information:

- the background history of the concern
- any relevant dates
- any evidence or grounds for suspicion behind the concern.
- This information should demonstrate that there are reasonable grounds for concern. Proof is not required; just a reasonable, honest belief that wrongdoing has or is likely to occur.

## **HOW WILL THE CONCERN BE HANDLED?**

- Upon receipt of the disclosure, a meeting to discuss the concerns will be offered and held within a reasonable period.
- The meeting will be held in a confidential and private location and the following persons will be present, the employee raising the concern and the Appropriate Person to whom the concern has been raised (CEO, Chair or another Trustee)
- This meeting will be of an exploratory nature depending on the nature of the concern and the employee can bring along someone to accompany them should they wish to. The individual will have the opportunity to detail the reasons for their disclosure and will use the meeting to share concerns and share any supporting facts with the appropriate person chairing the meeting.
- The Appropriate Person will make a formal note of the meeting, which is shared with the whistle-blower within an agreed timeframe. The Appropriate Person will then notify the Chair and CEO (unless one or both is implicated) that a whistleblowing disclosure has been made and conduct the investigation. The identity of the whistle-blower will be protected throughout this process.
- The appropriate person will, having considered all the information presented, then agree with the individual about the likely course of action in terms of next steps or remedying the situation; and agree timescales for action. The appropriate person will ask for any supporting proof presented at the meeting to be submitted as part of the process.
- Once the meeting has taken place the appropriate person to whom the disclosure was made will consider the information and decide whether there is a case to answer or whether an investigation should be conducted to establish the facts, who will undertake the investigation and what form it should take. The person in receipt of the concern (i.e. line manager or senior manager) may instigate an investigation. This will be conducted sensitively and as quickly as possible. They may arrange a meeting to discuss the case, and the employee will be contacted to confirm who the case will be contact.
- The employee has the right to be accompanied to a meeting by a trade union representative or work colleague who is not involved in the area of work to which the concern relates.

- The worker will be kept up to date with the progress on the case when appropriate and informed when the matter is resolved. They will be advised as to the outcome if it is appropriate to do so.
- Anyone raising a concern through the whistleblowing procedure is expected to continue their normal duties throughout the investigation unless this is deemed inappropriate.
- If the raiser of the concern is not satisfied with the outcome of an investigation, they can raise their concern to a higher level as indicated above.
- If the disclosure falls more properly within other procedures (e.g. Disciplinary or Grievance) then they will advise you of this.
- The appropriate person to whom the employee initially makes the disclosure will, unless the employee is advised otherwise, act as the main point of contact in the matter and will be responsible for keeping the employee up-to-date on the outcome of investigations carried out and any actions taken because of the investigation
- However, where this impacts on the duty the organisation have to the confidentiality and safety of others, they may confirm the limits to the information that can be provided.
- If, following the meeting, the appropriate person to whom the disclosure is made decides not to proceed with an investigation, this decision will be explained as fully as possible to the complainant. It is then open to the complainant to appeal against the outcome to the Board of Trustees. The details of which will be provided to the employee making the disclosure by return.
- Whistleblowing incidents will be recorded on a central register by the Appropriate Person which outlines the date of the incident and who the Appropriate Person is. On the occasion that the Appropriate Person leaves / stands down from the board, their records must be shared with another person, usually the CEO or the chair unless exceptional circumstances apply.

## **EXTERNAL DISCLOSURE**

It is hoped that this procedure will provide employees with the assurance they need to raise whistleblowing issues with Age UK BPED internally. However, we accept that there may be circumstances where employees feel it is more appropriate to make the disclosure to an external body. This is known as 'Public Disclosure'.

- An external body may be non-regulatory, such as an MP or the police. Or, alternatively, it may be regulated, in which case, the disclosure can be made to 'prescribed' persons should the malpractice fall within that body's



regulatory remit. These can include (but are not limited to):

- HM Revenue and Customs
- The Health and Safety Executive
- The Commissioners of Customs and Excise
- The Environment Agency
- The Charity Commission
- The Information Commissioner
- The Financial Conduct Authority

### **CAN I REMAIN ANONYMOUS WHEN MAKING A DISCLOSURE?**

- The individual can, if they wish, choose to remain anonymous when making a disclosure. However, it is more difficult to investigate such disclosures especially if further information is required. It also means the individual is unlikely to be kept informed of any action resulting from their disclosure.
- If they feel that they can reveal their identity to the person they are reporting their concern to, they may ask that their identity is not revealed to others, and this will be respected. This does not mean that the individual's identity cannot be revealed under any circumstances as, following a disclosure resulting in legal action against individuals or organisations, the individual may be required to give evidence in court.

### **REPORTING YOUR CLAIM INFORMALLY**

- Employees may informally raise their concern with their manager first. This may be a verbal discussion or in writing. The issue will be treated in confidence. If the manager cannot deal with it, they will take it to the next most senior person within AGEUKBPED or if the concern is regarding the CEO to the chair of the board of trustees
- Where the individual is not comfortable speaking with the managers and remains unsure whether to use this procedure or to begin whistleblowing action, then they can obtain independent advice by contacting the charity Public Concern at Work on 0207 404 6609.
- All concerns will be investigated and dealt with as appropriate. The Manager involved will ensure that the CEO is informed and involved as appropriate (unless the CEO themselves is implicated, in which case the Chair of the Board of Trustees). The staff members who raised the concern or issue will be informed of the outcome of the investigations and what, if any, action has been taken.
- If the staff member is unhappy about the speed, conduct or outcome of the investigation, they should put their concerns in writing to the CEO. They

should write to the Chair if the CEO is personally involved or to another Trustee if it is inappropriate to involve the Chair. The CEO (or Chair / other Trustee) will investigate the complaint, and report back to the member of staff with their findings and what, if any, action has been or will be taken (for further details, see the AGEUKPBED Complaints Policy).

## **REPORTING YOUR CONCERN FORMALLY**

- Upon reaching a decision to carry out a formal disclosure employees and associated persons should be reminded of their duty of confidentiality to both AUKBPED and its customers.
- All formal concerns **MUST** be raised in writing (in a letter or in an email) to the CEO or chair, or another Trustee if it is inappropriate to involve the CEO / chair, who will handle the disclosure to the agreed procedures in place. The person receiving the disclosure is referred to throughout this policy as the Appropriate Person and will remain consistent throughout the process.
- Importantly, and to guarantee protection under the regulations, a whistleblower must meet specified criteria so that that their disclosure can be considered a qualifying disclosure under the PIDA Act.

### **These are as follows:**

- The disclosure must be made to an appropriate person.
- The person making the claim must have reasonable belief that wrongdoing is being or is about to be committed.
- The disclosure must believe it to be substantially true and that the disclosure is in the public interest.
- The person making the claim should not collect the information to support the allegations improperly.

## **MALICIOUS WHISLEBLOWING**

- Where it is found that the whistle-blower makes an allegation maliciously, and:
- Does not act in the public interest.
- Makes an allegation without having reasonable grounds for believing it to be substantially true.
- Collects the information to support the allegations improperly, or.
- Makes an allegation for personal or 3rd party gain.
- They will be subject to formal disciplinary action, up to and including dismissal and in some cases may be subject to criminal investigation where illegality has occurred in order to achieve those aims.
- Additionally, where this criterion is met or the employee engages in improper

conduct in relation to whistleblowing, they are unlikely to be protected as a whistle-blower under the PIDA Act.

## **REPORTING BY NON-EMPLOYEES**

- Whilst the majority of disclosures will be made by employees, there is scope within the legislation for non-employees and those associated with AUKBPED to raise whistleblowing concerns. This may include customers, partners, volunteers or other persons with an association to AGEUKBPED. Members of the public may also feel they wish to pursue a matter they feel is in the public interest.
- The procedure will not differ from that of a paid employee.
- In these circumstances, the concern should be made directly to the CEO or if you wish to escalate your concerns to the Chair of the Trustees.
- There may be exceptional times when you feel it's most appropriate to raise an issue externally to a regulator or relevant professional body.
- In these instances, you may contact the following: Charity Commission regulator - [whistleblowing@charitycommission.gov.uk](mailto:whistleblowing@charitycommission.gov.uk)

## **PROTECTION**

- We aim to encourage openness and support for those who raise genuine concerns under this policy, even if they turn out to be mistaken.
- We will protect anyone who raises a concern from suffering negative consequences or a detriment for having done so.
- It is important to emphasise that AUKBPED will also support and will not tolerate victimisation and intimidation of any individuals involved in the investigation including those who participate as witnesses.
- We know that speaking up is not always easy, and depending on the issue, you may need advice and support.
- For the purposes of this policy a worker is classed as  
A "worker" is defined by section 230(3) ERA 1996 as: "an individual who has entered into or works under (or, where the employment has ceased, worked under) –  
a contract of employment; or  
any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual."

## **WHAT SUPPORT IS AVAILABLE WHEN A CONCERN IS RAISED?**

- Employees may have the help of a colleague or a TU representative at all stages of the procedure. They may also be accompanied by such an individual at any interviews which are required.

## **IS THERE ANYTHING ELSE TO BE AWARE OF?**

- If a worker makes a protected disclosure and is dismissed as a result, the dismissal is automatically unfair. The individual must not suffer any detriment as a result of their actions. Where the whistle blower is victimised in breach of the Act, the individual can bring a claim to an employment tribunal for compensation.
- Awards will be uncapped and based on the losses suffered.
- An employee is expected to raise only concerns which they believe to be true. An employee who acts in bad faith or raises malicious, vexatious or knowingly untrue concerns will face disciplinary action which could result in dismissal.

## **DISCLOSURE TO THE MEDIA**

- It is advised that internal procedures surrounding whistleblowing should be followed before any disclosures to the media are made. External disclosures made that have not first followed internal procedures may be considered an unreasonable action under PIDA and can potentially lead to disciplinary proceedings.
- If you feel that your concern is not being dealt with properly through AUKBPED's internal Whistleblowing procedures, we recommend seeking legal advice before making any further disclosures as PIDA only affords protection to whistle blowers in certain circumstances.
- AUKBPED recognises that bribery and corruption are both serious matters and may be the subject of whistleblowing activity.