



Whistleblowing Policy

‘The term ‘Whistleblowing’ is used to describe a formal disclosure made to someone in authority (an appropriate person) that alleges corruption, malpractice or wrongdoing’.

“The whistle-blower is usually not directly, personally affected by the danger or illegality, although they may be. Whistleblowing is, therefore, ‘making a disclosure in the public interest’ and occurs when a worker raises a concern about danger or illegality that affects others, for example members of the public”.
(The Chartered Institute of Personnel and Development)

KEY INFORMATION

Policy prepared, reviewed or amended by:	Bridgette Doyle and Suzanne Hilton – Chief Executive
Policy approved by Board of Trustees on:	Reviewed on 28/08/2018 and 24/08/2021
Policy became operational on:	Updated version approved 28 th July 2015.
Next Review Date	The Whistleblowing Policy, and associated guidance and procedures does not form part of staff contracts of employment and may be reviewed and updated at any time. It will be reviewed no less than every three years, or sooner where there are significant changes to guidance or legislation. Minor updates will be made as required.

1.0 INTRODUCTION

- 1.1** In order to ensure best practice, accountability and individual responsibility at Age UK Bolton it is the duty of every worker (staff or volunteer) to speak up about any genuine concerns in relation to any criminal activity, breach of legal obligations, miscarriage of justice, danger to health and safety or the environment and not to cover up any such activity in the workplace. It applies whether or not the information is confidential.
- 1.2** This Whistleblowing policy describes the rules governing whistleblowing at Age UK Bolton and should be read alongside other key policies, including the Safeguarding, Health and Safety and Environmental policies. If you are unsure as to the most appropriate course of action it is imperative that you discuss your concerns immediately with your manager or, if this is not possible/appropriate, with the Chief Executive.

2.0 POLICY STATEMENT

- 2.1** Age UK Bolton is committed to conducting its business with honesty and integrity and expects all its workers to maintain high standards. Accordingly, any suspected or perceived wrong-doing should be reported as soon as possible.
- 2.2** Age UK Bolton understands the importance of ensuring that the concerns of any worker about suspected malpractices will be taken seriously and appropriately

investigated and owes a duty to their stakeholders to make Whistleblowing policy a priority.

- 2.3 Age UK Bolton wishes to provide reassurance that, as a matter of policy, all workers - including volunteers and contractors - will be protected, provided that the person making the disclosure follows the correct procedure and has a genuine, honest and reasonable suspicion about a malpractice.
- 2.4 Please read this policy carefully and be assured that provided you raise concerns reasonably and responsibly and follow the procedure outlined below you do not need to worry about raising a concern and will be protected as described in this policy.

3.0 SCOPE

- 3.1 This policy applies to all permanent and temporary employees, trustees, volunteers, agency staff, contractors and consultants who are working for or supplying services to Age UK Bolton or Age UK Bolton Enterprises Limited (*which is a wholly owned subsidiary of Age UK Bolton*) hereafter referred to as “workers”.

4.0 WHY THIS POLICY EXISTS

- 4.1 Some of us may, from time to time, have concerns about events that are taking place at work. Generally, these concerns can be resolved through provision of information and informal discussions with your manager. However, when you have concerns of this nature, especially around suspected malpractice, breaches of regulations or criminal offences, it can be difficult to know how to deal with them and workers may not feel an informal route is appropriate.
- 4.2 The term ‘whistleblowing’ is used to describe a **formal** disclosure made to someone in authority (an appropriate person) that alleges corruption, malpractice or wrongdoing. In the case of Age UK Bolton this disclosure might be based on a colleague’s conduct during the course of work or about Age UK systems, procedures or custom and practice.
- 4.3 The Public Interest Disclosure Act 1998 (PIDA) applies to all employees and is in place in order to allow employees to raise legitimate concerns about matters that are of a public nature. These include situations where criminal offences, breaches of legislation and illegality occur: these are called "Qualifying Disclosures". As a matter of policy Age UK Bolton wishes to afford the same protection to all workers as provided to employees under the PIDA.
- 4.4 It is not necessary for you to have proof that such an act is being, has been, or is likely to be committed; a ‘**reasonable belief**’ is enough to form the basis of concerns. Some examples of this may be:-

- Criminal offences;
- Fraud, bribery or financial mismanagement;
- Mis-selling pensions or financial products;
- Abuse of vulnerable groups of people;
- Practices that put the health and safety of employees or customers at risk;
- Failure to comply with legal obligations;
- Breaches of legislation, such as the Data Protection Act;
- Covering up medical negligence;
- Causing damage to the environment;
- Concealment of any of the above

4.5 For a disclosure to be protected it should be made in the appropriate manner to an Age UK Bolton manager. For example, disclosing a serious health and safety issue to a manager and/or the Chief Executive is likely to be protected, but not if the concern was disclosed directly to a newspaper or news media without having first attempted to make the organisation aware of the problem.

4.6 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 Bolton; and provides assurances that its workers will be protected from suffering any detriment (i.e. victimisation, discrimination or dismissal) for raising any matters of public interest.

5.0 PRIOR TO REPORTING – PROCEDURE TO SEEK INFORMAL ADVICE

5.1 In many cases workers may wish to seek informal initial advice prior to a formal disclosure. It is reasonable in this instance to speak to a suitably trained ‘nominated person’ to provide advice and who will be skilled in understanding the whistleblowing process and procedures. For Age UK Bolton it is suggested that:

- If you are an employee, speak to your Line Manager or the Chief Executive;
- If you are a volunteer, speak to your Service Co-ordinator, key Age UK Bolton contact or the Chief Executive;
- If you are a contractor or consultant providing services to Age UK Bolton, speak to the Chief Executive

5.2 Age UK Bolton recognises there may be some cases where a person may not be comfortable speaking with the suggested managers immediately and so remain unsure whether to use this procedure or to begin a whistleblowing action. If this is the case you can obtain **independent confidential advice** by contacting the charity **Protect** (telephone number (0203) 117 2520). **Protect** will be able to advise you whether, in their opinion, the disclosure is advisable or whether they feel that other routes to raising concerns would be more appropriate in the circumstances.

6.0 PROCEDURE FOR REPORTING THE ISSUE

PROCEDURE FOR AGE UK WORKERS

- 6.1 Upon reaching a decision to carry out a formal disclosure workers should be reminded of their duty of confidentiality to both Age UK Bolton and its clients and how this duty should be balanced against the individual right to report concerns.
- 6.2 As such Age UK Bolton **requires that issues must be raised in writing** (this can be written or in email form) **internally**, at the earliest opportunity to nominated and trained managers below who will handle the disclosure honestly and fairly and to agreed procedures that have been put in place.
- 6.3 Written reports should be made to one of the following persons:
- your Manager; or
 - the Chief Executive; or
 - the Chairman of the Board of Trustees
- 6.4 Importantly, and to guarantee protection under the regulations, a whistle-blower must meet **specified criteria** so that their disclosure can be considered a “Qualifying Disclosure” under the Public Interest Disclosure Act. These are as follows:
- The disclosure **must** be made to an appropriate person above;
 - The person making the claim must have **reasonable belief** that wrong-doing, is being, has been, or is about to be committed;
 - The **disclosure must be made in good faith** and the individual must reasonably believe it to be substantially true;
 - The person making the claim should not collect the information to support the allegations improperly
- 6.5 Age UK Bolton will not accept instances of workers making disclosures for the purposes of harming individuals, the reputation of Age UK Bolton, its partners and its products and services. Where it is found that the whistle-blower makes an allegation of a malicious or vexatious nature, and:
- Does not act in good faith; or
 - Makes an allegation without having reasonable grounds for believing it to be substantially true; or
 - Collects improperly the information to support the allegations; or
 - Makes an allegation for purposes of Age UK Bolton worker or third- party gain

They will be subject to formal disciplinary action (up to and including dismissal) and may, in some cases, be subject to criminal investigation where illegality has occurred in order to achieve those aims.

- 6.6 Additionally where this criterion is not met or the employee engages in improper conduct in relation to whistleblowing, they are unlikely to be protected as a whistle-blower.

PROCEDURE FOR THOSE WHO ARE NOT AGE UK BOLTON WORKERS

- 6.7 Whilst the majority of disclosures will be made by employees and other Age UK Bolton workers, there is scope within the legislation for whistleblowing concerns to be raised by non-employees and others associated with Age UK Bolton. This may include customers, partners, volunteers or other persons with an association to Age UK Bolton. Members of the public may also feel they wish to pursue a matter that they feel is in the public interest.

- 6.8 In this regard the procedure will not differ from that of an Age UK Bolton worker so procedure will be the same as described above.

- 6.9 However, it is worthy of mention that non-employees and those who are not Age UK Bolton workers may not choose to follow the procedure as prescribed and may take other routes to disclosure. As such, it is important to be vigilant when considering or taking into account any complaint made by individuals who are not directly employed by or associated with Age UK Bolton.

7.0 PROCEDURE FOR HANDLING OF A DISCLOSURE ONCE RECEIVED IN WRITING

- 7.1 Upon receipt of the disclosure, a meeting to discuss the concerns will be offered **and held within a reasonable period** depending on the urgency of the situation. The meeting will be held in a confidential and private location and both the worker raising the concern and the appropriate person to whom the concern has been raised must be present. If appropriate, the Chief Executive and/or the Chair of the Board of Trustees may also be present.

- 7.2 This meeting will be of an exploratory nature depending on the nature of the concern and the worker may be accompanied should they so wish. The worker will have the opportunity to detail the reasons for their disclosure and will use the meeting to share concerns and any supporting facts with the manager chairing the meeting. Having taken into account all the information presented, the manager will then agree with the individual the likely course of action in terms of next steps or for remedying the situation and will agree timescales for action asking for any supporting proof that has been presented at the meeting to be submitted as part of the process.

- 7.3 Once the meeting has taken place the manager to whom the disclosure was made will consider the information and decide:

- (a) whether there is a case to answer or whether an investigation should be conducted to establish the facts, and
- (b) who will undertake the investigation and what form it should take.

If the disclosure falls more properly within other procedures (*e.g. Disciplinary or Grievance in the case of employees*) then they will advise you of this.

7.4 The manager to whom the worker initially makes the disclosure will, unless the worker is advised otherwise, act as the main point of contact in the matter and will be responsible for keeping the worker up-to-date on the outcome of investigations carried out and any actions taken as a result of the investigation. However, where this impacts on the duty that the organisation has towards the confidentiality and safety of others, they may confirm the limits of the information that can be provided.

7.5 If, following the meeting, the manager 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 a more senior manager as per the table below. The details of which will be provided to the worker making the disclosure by return.

Initial Disclosure	Appeal
Your Line Manager, if you are an employee	The Chief Executive
If your Line Manager is not available or is not appropriate to report to in the circumstances, instead contact the Chief Executive	The Chair of the Board of Trustees
Your Service Co-ordinator or key Age UK Bolton contact, if you are a volunteer	The Chief Executive
The Chief Executive, if you are a contractor or consultant providing services to Age UK Bolton	The Chair of the Board of Trustees

8.0 DIFFERENCE BETWEEN GRIEVANCES AND WHISTLEBLOWING

8.1 There are fundamental differences between grievances and whistleblowing. ‘Grievances’, generally, refer to the employees and their employment. These, generally, include matters such as pay and working hours, working conditions or the behaviour of others towards them. These matters should not ordinarily form the basis of a disclosure under the whistleblowing procedure but this cannot be ruled out entirely where the grievance fits the wider context of whistleblowing.

8.2 A ‘disclosure’ might, however, exist where the employee genuinely believes that the conduct reported amounts to a criminal offence; a serious breach of a legal or statutory obligation; will critically endanger health or safety of individuals; or severe damage to the environment. Please see the table below for examples of the differences.

Grievance	Whistleblowing
An employee makes a complaint to their manager in writing around changes to the content of their role and the type of work they are being asked to undertake.	An employee has been instructed to carry out actions they genuinely believe to be illegal, e.g. to falsify tax records. The employee challenges this request and is instructed to continue this practice.
An employee speaks to their manager and states they have received insufficient health and safety training.	An employee or group of employees are instructed to carry out a task routinely that endangers the safety of themselves or others and directly contradicts health and safety legislation. They raise this as a risk; the risk is identified but subsequently ignored.
An employee broaches the subject of the amount of hours they have worked for the last month.	A requirement to work excessive hours imposed by the organisation on a group of staff which represents a breach of the working time legislation.

9.0 PROTECTION OF THE WHISTLE-BLOWER

9.1 Age UK Bolton has a strong commitment to its whistleblowing policy and procedures and, as such, you are encouraged to raise concerns about malpractice in the context of the procedure. You may be anxious that, by reporting genuine whistleblowing concerns, your actions may leave you vulnerable, however, Age UK Bolton wishes to provide reassurance that we will not tolerate the victimisation, intimidation or penalisation of anyone raising a genuine concern, anyone involved in the subsequent investigation or anyone acting as a witness. Anyone responsible for any such action against individuals making genuine disclosures will be the subject of appropriate action, including disciplinary action in the case of employees.

9.2 To ensure this policy is adhered to and to assure **all workers** that concerns raised will be taken seriously Age UK Bolton will:

- Not allow the person raising the concern to be victimised for doing so;
- Treat victimisation of whistle-blowers as a serious matter which may lead to disciplinary action (which, in the case of employees, may include dismissal);

- Not attempt to conceal evidence of poor or unacceptable practice;
- Take disciplinary action if a worker destroys or conceals evidence of unacceptable practice or misconduct;
- Ensure that confidentiality clauses in contracts of employment do not restrict, forbid or penalise whistle blowing;
- Liaise with other relevant organisations to whom staff report malpractice

10.0 EXTERNAL DISCLOSURE

- 10.1** It is hoped that this procedure will provide workers with the assurance they need to raise whistleblowing issues with Age UK Bolton internally. However, we accept that there may be circumstances where workers feel it is more appropriate to make the disclosure to an external body. This is known as a 'Public Disclosure'.
- 10.2** An external body may be non-regulatory; such as a Member of Parliament or the police. Alternatively, it may be a regulated activity, in which case the disclosure can be made to a 'prescribed person' should the perceived malpractice fall within that body's regulatory remit: for example, HM Revenue and Customs, the Health and Safety Executive and the Charities Commission.
- 10.3** The disclosure will be protected under the legislation in the same way as a disclosure made internally as long as it meets the same satisfying conditions. In this instance it is pragmatic to **seek independent advice** on this course of action prior to making this move, which can be obtained by contacting the charity **Protect** <https://protect-advice.org.uk/advice-line/> They will be able to advise individuals whether, in their opinion, the disclosure to an outside body is advisable; would be appropriate; and under what circumstances and how they should consider contacting an outside body.
- 10.4** A full list of prescribed persons and bodies can be found in the schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549).
- 10.5** In the event of an external disclosure the relevant regulatory or non-regulatory body will carry out investigations (*alongside Age UK Bolton senior managers*) as necessary and to the procedures and processes set out by them.

11.0 ANONYMOUS DISCLOSURES

- 11.1** The identity of the individual raising the disclosure will be kept confidential, if so requested, for as long as possible, provided that this is compatible with a proper investigation. In view of the protection afforded to an individual raising a genuine concern, it is considered desirable that they disclose their name. However, there may be special or unusual circumstances where an individual considers it necessary to make an anonymous disclosure.

- 11.2** Where this occurs the disclosure will be accepted and treated equally with those bearing a name. However, anonymous claims are often more difficult to investigate and may result in little or no action. It is, therefore, preferable that disclosures are made by identifiable individuals who will be afforded the protection of Age UK Bolton as described.

12.0 DISCLOSURE TO THE MEDIA

12.1 Unauthorised statements to the media by any person employed or associated with Age UK Bolton are **never** an accepted form of whistleblowing. If an employee, worker or associated person makes any unauthorised statement to the media, it will be treated as serious misconduct and employees may be subject to disciplinary action, up to and including dismissal.

13.0 LINK TO ANTI BRIBERY

13.1 Age UK Bolton recognise that bribery and corruption are both serious matters and may be the subject of whistleblowing activity. Individuals are encouraged to come forward if they suspect that bribery or corruption is taking place and should do so understanding that any disclosure will be handled with reference to the Age UK Bolton Anti-Corruption and Bribery policy and procedures and the current Bribery legislation.

EMPLOYEE/VOLUNTEER CONSENT STATEMENT

I (name of employee/volunteer) hereby confirm that I have read, understood and will comply with the attached Age UK Bolton Whistle-blowing policy.

Signed.....

Date