

**Adopted: July 2019**

**New Format: September 2019**

## **WHISTLEBLOWING POLICY (Freedom of Speech)**

### **PURPOSE**

Age UK Cambridgeshire & Peterborough (AUKCAP) is committed to being an organisation with the highest standards of quality, integrity, openness and accountability.

As part of that commitment, we encourage employees with serious concerns about aspects of our work to come forward and express those concerns. In some cases, we recognise that employees will need to do so on a confidential basis. AUKCAP wishes to make it clear that they can do so with the assurance of being treated with respect and fairness.

This statement is intended to underline our commitment to our employees and our support for those persons who come forward to express their concerns.

This is distinctly different from the Grievance and Disciplinary Procedures. A genuine concern may result in disciplinary action if an employee has behaved in an unprofessional manner, or contrary to AUKCAP's Policies and Procedures.

The Public Interest Disclosure Act 2012 (PIDA) protects workers who disclose certain types of information to certain individuals in certain circumstances. However, the Disciplinary Procedures may be invoked if it is established that the issue raised is not genuine or is raised with malicious intent.

If an employee is to be protected the disclosure must be one covered by PIDA. A qualifying disclosure is one which in the reasonable belief of the worker tends to show one or more of the following:

- that a criminal offence has been committed, is being committed, or is likely to be committed
- An employee has the right and a duty to raise a concern about possible fraud, neglect, harassment or abuse including modern slavery or human trafficking.

- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- that a miscarriage of justice has occurred, is occurring, or is likely to occur
- that the health or safety of any individual has been, is being, or is likely to be endangered
- that the environment has been is being, or is likely to be damaged
- that information indicating the occurrence of any of the above has been, is being or is likely to be deliberately concealed

This policy is for guidance only and does not form part of your contract of employment.

## **SCOPE**

### **Personnel responsible for implementation of policy**

The Board of Trustees has overall responsibility for AUKCAPs policy on Whistleblowing, but has delegated day-to-day responsibility for overseeing and implementing it to the Senior Management Team. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under the policy lies with the board.

Managers have a specific responsibility to facilitate the operation of this policy and to ensure that workers feel able to raise concerns without fear of reprisals in accordance with the procedure set down below.

### **Who is covered by the policy?**

This policy applies to all individuals working for us at all levels and grades, whether they are senior managers, trustees, employees or volunteers (collectively known as “employees” in this policy)

All workers are responsible for the success of this policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware.

## **POLICY**

### **Recognising a problem**

It is important that all employees should be able to follow their sense of right and wrong. For that reason all of our employee policies are continuously under review. Employees will be made aware of the policies through induction and staff briefing procedures.

AUKCAP policies should be studied carefully in order that you are aware of procedures and policies. If anything is unclear or you are unsure what to do in a given situation please consult your manager.

When a problem arises we will always deal with it seriously. We hope you will feel confident in coming forward knowing that we will act on what you tell us. If an employee feels that he/she is unable to approach his/her Line Manager with a specific concern, he/she should approach the Chief Executive. If the allegation is about the Chief Executive, the Chair should be informed.

- i). Managers are required to be sensitive to issues involving any type of discriminatory practice or any other discriminatory behaviour.
- ii). Staff who take action under the terms of this policy will be advised when the situation has been dealt with and will be debriefed as appropriate.
- iii). Protection for the individual following the issue: Staff who raise a concern must feel able to do so on the understanding that they have nothing to fear and will not suffer reprisals.

### **Confidential reporting**

We know that it is never easy to report a concern, particularly one that may relate to fraud or corruption. However, we hope that you will come forward with any concerns at an early stage, before problems have a chance to become serious. You may come forward with another colleague if you wish and can be assured that the matter will be dealt with in a sensitive manner.

In accordance with our confidentiality policy, we will do everything we can to respect your confidentiality, if you have requested this, except in cases such as abuse when the Police/Social Services need to be informed or another employee is guilty of an offence requiring disciplinary action (see Conflict of Interest and Vulnerable Adults policies).

### **How should a disclosure be made?**

*You can raise your concerns orally or in writing. You must state that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential. We will ask you to formalise your concerns in writing either before or after the first meeting. We will acknowledge receipt of your formal written disclosure and keep a record of further action taken.*

You are entitled to be accompanied by a workplace colleague or union representative at any meeting under this procedure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

We recognise that disclosures made under this policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure. However, we regret that we cannot guarantee to

investigate all anonymous allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback, or ascertain whether your disclosure was made in good faith. It is preferable for whistleblowers to reveal their identity and measures can be taken to preserve confidentiality if appropriate.

### **Who to contact**

In most cases, you should be able to raise any concerns with your line manager. If for some reason this is not possible, you should speak to the Chief Executive or the Chair of the Board of Trustees. If your concern is about the actions of the Chief Executive you will need to approach the Chair of the Board of Trustees. All such contacts will be treated in confidence.

There may be exceptional circumstances when it might be best to contact an external agency. If you are unsure whether to use this procedure or you would welcome independent advice, or if the problem involves the Chief Executive, the Chair of the applicable Board, abuse of public funds or abuse of Vulnerable Adults Policy; and after raising concerns with the organisation the “Whistle Blower” continues to have serious concerns, you may wish to contact the independent charity Public Concern at Work, [www.pcaaw.org](http://www.pcaaw.org) on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. The Public Interest Disclosure (Prescribed Persons) Order 1999 lists regulatory bodies to whom protected disclosures may be made. These include the Data Protection Registrar, the Environment Agency and the Health and Safety Executive.

### **Action**

If you come to us with a concern we will look into it carefully and thoroughly. We will be fair to you and also to any others involved. If someone is potentially being accused of misconduct, we have to find out their side of the story as well. In our investigation we will respect your confidentiality and any concerns you have about your own safety or career.

We will try to let you know the results of the investigation and about any action that is proposed. However, in doing this, we have to respect the confidentiality of other employees involved as well.

AUKCAP is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following your submission of a formal written disclosure, we will acknowledge receipt within 10 working days and make arrangements for investigation if appropriate in the circumstances.

The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, we will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on

erroneous information. In any event a report will be produced and copies will be provided to the board and, where appropriate, you will also receive a copy. If you are dissatisfied with the investigation or its conclusion then you should write directly to the chair of board of trustees detailing your concerns.

If a longer investigation is considered necessary, we will usually appoint an investigator or investigative team including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure. For example, if the disclosure concerns financial malpractice, the Treasurer may be asked to investigate. Separate personnel will be asked to make a judgment on the report submitted by the investigator (or investigative team). Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The board will then be responsible for reviewing and implementing these recommendations.

So far as we consider it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. It is not normally appropriate to set a specific timeframe for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

### **Confidentiality**

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that

your role as the whistleblower could still become apparent to third parties during the course of an investigation.

### **Protection and support for whistleblowers**

No member of staff who raises genuinely-held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform AUKCAP. Employees who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive this protection.

If an investigation under this procedure concludes that a disclosure has been made maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action.

### **Monitoring and review of policy**

Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under the policy lies with the board.

This policy will be reviewed annually.

**Whistleblowing policy approved:** 01/09/2020 (Date)



**Signed by Chair of Trustees**