

# WHISTLEBLOWING POLICY

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## Document History

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5	May 2018	How should disclosures be made  Confidentiality  Monitoring and review of the policy  What is a qualifying disclosure		Dawn Stephenson

## **1. Introduction and purpose**

- 1.1.1 Age UK Hammersmith and Fulham is committed to being an organisation with the highest standards of quality, integrity and accountability.
- 1.1.2 This policy applies to all employees and volunteers of Age UK Hammersmith and Fulham
- 1.1.3 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.
- 1.1.4 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.

### **1.2 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 employees and volunteers of Age UK Hammersmith and Fulham 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 Hammersmith and Fulham or the public.
- Employees and volunteers 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.

### 1.3 What is the Public Interest Disclosure Act 1998 (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.

### 1.4 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 being required to do something which was unethical or illegal.

- 1.5 Bearing in mind the seriousness and impact of Whistle blowing, it is the policy of Age UK to ensure the following principles are followed:-
- Age UK Hammersmith and Fulham employees will be made aware through a variety of methods, the importance of preventing and eliminating wrongdoing at work.
  - The Whistle Blowing Policy and must be communicated to staff and key stakeholders
  - Where 'reasonable belief' of corruption, malpractice or wrongdoing is reported, it will be taken seriously.
  - Any matter raised under the policy and procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who made the disclosure.
  - Individuals will not be victimised for raising a matter under the policy and procedure. This means that continued employment and opportunities for future promotion or training will not be prejudiced because they raised a qualifying concern. Victimisation of individuals for raising a qualified disclosure will be a disciplinary offence.
  - If misconduct is discovered as a result of any investigation under this policy the Age UK Hammersmith and Fulham Disciplinary Procedure will be used, in addition to any appropriate external measures required by Regulators.
  - Malicious, false or vexatious allegations will be treated as a serious disciplinary offence.
- 1.6 Additionally an instruction by any member of the Age UK Hammersmith and Fulham workforce to cover up wrongdoing is itself very serious and will be treated as a disciplinary matter. If told not to raise or pursue any concern, even by a person in authority, employees and associated persons should not agree to remain silent. They should report the matter as soon as possible.
- 1.7 The policy is further supported by a set procedure which will ensure that employees are aware of 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 occur.

## **2. How to raise a concern**

- 2.1.1 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
- 2.1.2 We will ask you to formalise your concerns in writing either before or after the first meeting.
- 2.1.3 We will keep acknowledge receipt of your formal written disclosure and keep a record of further action taken.
- 2.2 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.
- 2.3 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.
- 2.4 Staff/Volunteers who feels their concern has not been addressed or is sufficiently serious may wish to raise the issue with the Chair of the Trustee Board

## **3. Who is responsible for implementing the policy?**

- 3.1 Age UK Hammersmith and Fulham staff are responsible for ensuring that all aspects of this policy are applied appropriately and that their behaviours and activities demonstrate the importance of preventing and eliminating illegality and unethical practices at work.
- 3.3 Age UK Hammersmith and Fulham Operations Manager and Chief Executive are responsible for ensuring that people practices including induction, training and health and safety management reflects the Age UK Hammersmith and Fulham's commitment to whistle blowing.
- 3.4 Action**
  - 3.4.1 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.

- 3.4.2 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.
- 3.4.3 Age UK Hammersmith and Fulham 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.
- 3.4.4 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.
- 3.4.5 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
- 3.4.6 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.

#### **4. Monitoring and review of policy**

- 4.1 Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under this policy lies with the Trustee Board.