

Age UK Kensington and Chelsea

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Age UK Kensington and Chelsea Policy - Whistleblowing

Age UK Kensington and Chelsea (AUKC) believes that having a clear Whistleblowing policy encourages a culture where wrongdoing can be addressed quickly and efficiently.

Regrettably, and in common with all organisations, we face the risk of things going wrong or of unknowingly harbouring malpractice. By promoting a culture of openness within AUKC, employees, partners and other stakeholders are really encouraged to raise issues which are of concern at work. By knowing about malpractice at an early stage, steps can then be taken to safeguard the interests of all clients and staff and prevent fraud and corruption.

As part of this, we encourage employees to speak up or blow the whistle if they believe malpractice may be occurring.

All of us, at some time or another, may have concerns about what is happening at work, and usually these concerns can be easily resolved. All who work for us should feel assured about raising such issues.

The aim of this policy is to help trustees, employees, volunteers, and other partners to raise any serious concerns they may have about colleagues or AUKC with confidence and without having to worry about being victimised or disadvantaged in any way as a result.

It should be noted that the Whistleblowing procedure 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 AUKC Grievance policy.

Principles

Our policy is based on the following principles:

1. Integrity - supporting our staff to do the right thing; and
2. Compliance - adopting a zero tolerance to malpractice and wrongdoing; and
3. Supportive - providing an environment that actively supports the employee; and

4. Transparency - having clear procedures for our staff to follow; and
5. Confidentiality - respecting the privacy of the Whistleblower.

Application

This policy applies to all persons working for AUKC 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 or business partners (collectively referred to as AUKC colleagues).

Standards

We will maintain five key standards in applying this policy, as follows:

1. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature about which they become aware; and
2. Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the worker who raised the issue; and
3. No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern; and
4. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence; and
5. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a trustee.

Qualifying Disclosures

The Public Interest Disclosure Act 1998 (PIDA) applies to all employees and is in place 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*. Some examples of this are:

1. A criminal offence; and
2. A miscarriage of justice; and
3. An act creating risk to health and safety; and
4. An act causing damage to the environment; and

5. A breach of any other legal obligation, or concealment of any of the above.

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be committed. A reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

Should the whistleblower reasonably believe that appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out several bodies to which qualifying disclosures may be made.

These include:

1. HM Revenue and Customs; and
2. The Financial Conduct Authority; and
3. The Competition and Markets Authority; and
4. The Health and Safety Executive; and
5. The Environment Agency; and
6. The Police; and
7. The Independent Office for Police Conduct; and
8. The Serious Fraud Office.

A worker who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

Responsibilities

The Board of Trustees has overall responsibility for ensuring that the Whistleblowing policy is robust and for reviewing it periodically or where legislative changes are made.

When acting as the *Appropriate Person*, our managers will vigilantly consider all information presented, consider the likely course of action in terms of next steps or remedying the situation and agree a timescale for action.

Accurate records are expected to be kept of any conversations held and the actions being taken, and the whistleblower will be provided with a written outcome of any conversations held.

Employees are responsible for raising any concerns at the earliest opportunity and to not be coerced from doing so. Malicious complaints will be dealt with under the AUKC Discipline policy.

Legislation

This policy is based on UK legislation as follows:

1. Employment Rights Act 1996; and
2. Public Interest Disclosure Act 1998; and
3. Data Protection Act 2018.

This policy is designed in line with ACAS guidance.

Responsibility and review of this policy

Responsibility for this policy rests with the Chief Executive (AUKC) and appointed Executive Lead. The policy was approved in December 2021. It is due for review in December 2024 or sooner if circumstances demand otherwise.