

## **WHISTLEBLOWING POLICY AND PROCEDURE**

### **What is whistleblowing?**

Whistleblowing is the disclosure of information about the wrongful, unlawful or dishonest activities of your employer or work colleagues to your employer or a third party and which is in the public interest.

### **I have concerns about the organisation or its activities, should I disclose them?**

- (a) We encourage all our staff to raise any concerns they have about the organisation's actions or operations or the activities of work your colleagues where you reasonably believe them to be inappropriate, unlawful, dishonest or unethical.
- (b) Whether or not your disclosure to us gains the protection of whistleblowing legislation depends on the specific circumstances and nature of the disclosure made. However, to ensure no member of staff is discouraged from raising genuine concerns we confirm that no member of staff will be subject to any detrimental treatment or dismissed because they have come to us to share their concerns, either under this policy or the Grievance Procedure.

### **When will my disclosures be protected by legislation?**

(a) If you have genuine concerns about the organisation's actions, you have a statutory right to disclose such matters without the fear of victimisation or detriment. In order for a disclosure to gain statutory protection it must be made in line with public interest and must relate to one of the following matters:-

- (i) a criminal offence;
- (ii) failure to comply with any legal obligation;
- (iii) a miscarriage of justice;
- (iv) danger to health and safety of any individual;
- (v) danger to the environment; or
- (vi) deliberate concealment of any of the above.

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## **What is in the public interest?**

(a) There is no hard and fast rule. However, to be in the public interest your disclosure should be of interest to members of the public outside the organisation. As such a complaint about treatment towards yourself or the application of a policy which only affects the organisation but does not impact on people outside the organisation would arguably not be in the public interest. However, you would be free to raise a grievance in these circumstances.

(b) As an example, a disclosure about illegal tipping of toxic or commercial waste by the organisation would be in the public interest as it affects the environment and as such the public at large.

(c) In exceptional circumstances, it might be possible that a complaint about treatment which affects only people within the organisation could be deemed to be in the public interest. This will depend on a number of factors, including the number of people affected, and the specific concern. If you are unsure whether your concern should be dealt with under the whistleblowing policy or as a grievance, you should discuss it with your line manager or the People Team.

## **How do I make such a disclosure?**

(a) Ideally, such disclosures should be made in writing to a director of Age UK Lancashire and you should provide as much information and evidence as possible so that we can thoroughly investigate the issue. We may, depending on the circumstances, invite you to attend an investigation meeting to which you are entitled to be accompanied by a fellow employee or a trade union representative.

(b) Age UK Lancashire has designated Teri Stephenson, Chief Executive, to be the whistleblowing officer or it may set up a confidential hotline for employees to make disclosures.

(c) In some cases you may reasonably conclude that there is no one internally to whom you can make a disclosure. You should however have good reasons to reach this conclusion. Where you have reasonably concluded that a disclosure cannot be made internally then it may be appropriate to make a disclosure to any regulating or statutory body e.g. HSE or VOSA

## **If I make a disclosure, will the details be kept confidential?**

(a) Given the sensitive nature of such disclosures, we will do our utmost to ensure confidentiality is maintained. However sometimes this is not possible.

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(b) Whilst we would encourage you to make an open disclosure, anonymous disclosures may be made. However, it may be impossible to investigate or take further action if you choose to make an anonymous disclosure.

(c) We would ask that you keep details of your disclosures confidential and not disclose these to anybody outside of the organisation unless you have provided us with an opportunity to address the problem first.

**A disclosure has been made in bad faith, will there be any consequences?**

(a) Whilst we encourage genuine concerns to be brought forward, all disclosure should be made in good faith. If a disclosure is made in bad faith but in the public interest you may still be protected under law from being subject to dismissal or any detriment but it may impact on any remedy you may seek through the courts.

(b) If a disclosure is made in bad faith and is also not in the public interest then there is a risk you do not have statutory protection in which case Age UK Lancashire may take appropriate disciplinary action if the disclosure was vindictive or deliberately designed to cause harm to the business or its reputation.

(c) Given the complexities we would encourage all staff to ensure that they only raise genuine concerns in good faith.

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