

## AGE UK SHEFFIELD

Policy Title	<b>WHISTLEBLOWING POLICY AND PROCEDURE</b>		
Creation Date	2005. Last reviewed December 17	Latest Revision Date	August 2022
Approved Date	July 2022	Approved By	SMT/ HR Group
Status	LIVE	Next Review Date	August 2024
Version Number	D7	Reviewed By	TB
Author	Rosalind Eve	Policy Review Frequency	2 Years

### 1. Introduction

Age UK Sheffield conducts its business at all times with the highest standards of integrity and honesty. It expects all its employees to maintain the same standards in everything they do. It is important to Age UK Sheffield that any fraud, misconduct or wrongdoing by employees of the Organisation is reported and properly dealt with. Age UK Sheffield therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

### 2. Aim

The aim of this policy is to:

- enable and encourage employees to raise genuine concerns about possible wrongdoing at work without fear of reprisal and to reassure workers that such matters will be dealt with seriously and effectively by Age UK Sheffield internally;
- allow Age UK Sheffield to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so in line with the Age UK Sheffield Disciplinary & Grievance Policy and Procedure.

It is particularly important to state that this policy is separate from Age UK Sheffield's Disciplinary and Grievance Policies and Procedure, which relates to general concerns which an employee may have about their own personal circumstances.

This Whistleblowing Policy is designed to ensure that concerns about possible illegal

## **AGE UK SHEFFIELD**

or dangerous activities or forms of malpractice are brought swiftly to management's attention. These may not necessarily be related to the whistleblower's area of work.

### **3. Scope**

This policy applies to all employees, permanent or temporary, at Age UK Sheffield.

### **4. The Public Interest Disclosure Act 1998**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 is to provide protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that:

- an offence (fraudulent corrupt behaviour, e.g. theft, fraud or malpractice);
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

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

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Age UK Sheffield encourages employees to raise their concerns under this procedure in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager.

### **5. Procedure**

#### **5.1 Who to disclose to**

5.1.1 In most cases, an employee should raise any concerns they may have internally within Age UK Sheffield.

## **AGE UK SHEFFIELD**

5.1.2 If appropriate, an employee should discuss his/her concerns with his/her line manager. An informal approach to the line manager will be treated in the strictest confidence. It will not result in a report to anyone within Age UK Sheffield without the employee's agreement, except where the line manager believes that the issues raised are so serious that further action may be required. Where this is the case, the line manager will refer it to the Chief Executive Officer.

5.1.3 If an employee feels it is inappropriate to raise his/her concerns with his/her line Supervisor/Service Lead/Project Lead in the first instance (for example, if their concerns are about their line manager's actions or if they are so serious that they should be escalated to someone at a more senior level within Age UK Sheffield), then he/she should speak to the Service Delivery & Standards Manager in the first instance instead.

5.1.4 If the employee remains unhappy about the speed or conduct of any further action taken or the way in which their concerns have been resolved, he/she should refer the matter to the CEO.

5.1.5 If an employee feels it is inappropriate to raise his/her concerns directly with anyone who is part of the day-to-day management of Age UK Sheffield, then he/she can contact the Chairman of the Board of Trustees of Age UK Sheffield, by writing to them c/o Eyre Street and marking the envelope Personal and Confidential. The envelope will then be forwarded unopened and the approach will be treated in the strictest confidence. The Chairman will then appoint the most appropriate individual to investigate.

5.1.6 An employee must not approach individuals involved in his/her disclosure directly (whether to "tip them off" or otherwise) or attempt to investigate the matter personally.

5.1.7 Age UK Sheffield would urge employees to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for them to contact an external person or body. Legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Charity Commission;

## AGE UK SHEFFIELD

- the Health and Safety Executive; and
- the Environment Agency.

5.1.8 Disclosures to the press will not be considered reasonable. They will constitute misconduct and will be treated as a disciplinary matter in accordance with Age UK Sheffield's Disciplinary Policy and Procedure.

5.1.9 If, at any stage in the procedures, employees are unsure about what to do and would like independent advice, they might like to discuss their concerns with someone at Public Concern at Work. This body is an independent Charity which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on who else the worker may contact about what legal protection may be available. Public Concern at Work may be contacted at: [www.pcaw.co.uk](http://www.pcaw.co.uk) or by phone on 020 7404 6609.

*NHS and Social Care Whistleblowing Helpline* The Whistleblowing Helpline is a free-phone service for employees, and organisations working within the NHS and social care sector. Telephone: 08000 724 725 Web: [www.Speakup.direct](http://www.Speakup.direct)

### 5.2 Dealing with disclosures

5.2.1 If an employee reports a disclosure to Age UK Sheffield, the need for confidentiality will be respected wherever possible, although any concern raised under this procedure will need to be properly documented in the Whistleblowing log.

5.2.2 Age UK Sheffield believes that all employees should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If, contrary to this policy, they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, i.e. it may not be possible to protect unidentified people

5.2.3 The action taken in response to a disclosure will depend on the nature of the concern. By way of example, the matters raised may result in one or more of the following:

- No action required.

## AGE UK SHEFFIELD

- Action being taken under other Age UK Sheffield policies and/or procedures.
- An internal investigation under this policy.
- A referral to the police.
- A referral to Age UK Sheffield's external auditors.
- A referral to the Charity Commission.
- An independent enquiry.

5.2.4 The responsible person to whom the disclosure is made will:

- Make a detailed record of the disclosure.
- Ask the employee to provide a written statement describing the precise nature of the allegations.
- on receipt of the written statement, decide whether any further action may be required. Where it is, they will refer it to the appropriate person and write to the employee within five working days of making that decision. In their letter, they will acknowledge receipt of the complaint, provide information on who it has been referred to and details of who the employee should contact if they have any further questions.

6.1 Where further action is required under this policy in relation to an employee's complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigator will be a member of the management team, the Chief Executive or a trustee of Age UK Sheffield (as appropriate on a case by case basis). However, Age UK Sheffield may instead decide to arrange for a suitably qualified independent professional to undertake the investigation.

6.2 During the investigation, the employee who reported the disclosure may need to be called upon for interview. They will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.

6.3 Once the investigation is complete:

## AGE UK SHEFFIELD

- The employee will be given a prompt and thorough explanation about the result of the investigation and any action Age UK Sheffield is likely to take as a result of it.
- As any allegation under this policy should be reviewed by the Executive Team. Where the allegation is deemed to be of a serious nature, an appropriate report will be submitted to the Board of Trustees.
- Any action which the investigator decides is required will be taken.

6.4 Age UK Sheffield recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved, including the police and the Charity Commission. Where this is necessary, Age UK Sheffield reserves the right to make such a referral without the reporting employee's consent.

6.5 Any employee who has a genuine reason for their disclosure should feel confident in bringing forward their concerns.

6.6 Age UK Sheffield will not tolerate any employee being subjected to a detriment as a result of their making a disclosure in good faith. In the event that any employee believes that they have been subject to a detriment by anyone within Age UK Sheffield for this reason, they must inform the Chairman of the Board of Trustees immediately and appropriate action will be taken to protect them from any reprisals.

6.7 If anyone should try to discourage an employee from coming forward to express a genuine concern, Age UK Sheffield will treat this as a disciplinary matter. In the same way, the charity will deal severely with anyone who criticises or victimises an employee or otherwise subjects them to a detriment for raising a concern.

6.8 However, if it should become clear that the procedure under this policy has not been invoked in good faith (for example, falsely or for malicious reasons or to pursue a personal grudge against another employee), this will constitute misconduct and it will be treated as a disciplinary matter in accordance with Age UK Sheffield's Disciplinary Policy and Procedure.

## **AGE UK SHEFFIELD**

6.9 Any employee who, in good faith, makes allegations that turn out to be unfounded will not be penalised for being genuinely mistaken.

### **6. Recording and Reporting Information**

Records are important in enabling us to identify patterns of concerns which might warrant an investigation. An information record will need to be created for each concern we receive.

We will keep a record of all whistleblowing concerns raised, informal and formal, actions followed and outcome.

### **4. Monitoring and Review**

Age UK Sheffield undertakes to review all documented policies and procedures every two years. The organisation will additionally review all documentation:

- Where client feedback informs a change
- For improvements to the service as a result of employee suggestions
- Where funders require it for example annual reviews of effectiveness of policy and procedure implementation
- Changes arising from safeguarding or equality and diversity issues
- As a result of changes in legislation.

### **12. Related Policies and Procedures**

- Code of Conduct
- Harassment Policy
- Complaints Policy
- Disciplinary Policy and Procedure