

<b>Document Name:</b>	<b>Whistleblowing Policy</b>
Approved by Board of Trustees on:	06 September 2018
Review Schedule	Every 2 years
Next review due	September 2020
Owner (Responsibility)	CEO

**Document Description:**

Age UK Wiltshire is committed to maintaining high standards of openness, honesty, probity and accountability. 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. 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.

**Implementation & Quality Assurance**

Implementation is immediate and this Policy shall stay in force until any alterations are formally agreed.

The Policy will be reviewed every two years by the Board of Trustees, sooner if legislation, best practice or other circumstances indicate this is necessary.

All aspects of this Policy shall be open to review at any time.

**Revision History**

Revision date	Summary of Changes	Other Comments

## **1. Introduction and Purpose**

- 1.1. This policy applies to all employees and volunteers of Age UK Wiltshire.
- 1.2. Age UK Wiltshire is committed to maintaining high standards of openness, honesty, probity and accountability. 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. 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.

## **2. What is whistleblowing?**

- 2.1. 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.
- 2.2. The whistleblowing policy applies to all employees and volunteers of Age UK Wiltshire 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 Wiltshire or the public.
- 2.3. Employees and volunteers are encouraged to raise any concerns they may have about a wrongdoing and will be afforded protection.
- 2.4. 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.
- 2.5. 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.

## **3. What is the Public Interest Disclosure Act 1998 (PIDA)?**

- 3.1. PIDA provides protection for workers who raise legitimate concerns about specified matters. These are called qualifying disclosures.
- 3.2. The protection applies not only to employees but to all workers and volunteers. This includes agency temps, consultants and contractors.
- 3.3. 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 (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.

#### **4. What is a qualifying disclosure?**

4.1. 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

4.2. This list is not exhaustive.

4.3. 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.

4.4. 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.

#### **5. Are there any further preconditions that must be met?**

5.1. The whistle blower must also meet one or other of the following further preconditions:

- they reasonably believed they would be victimised if they raised the matter internally
- they reasonably believed that the disclosure related to a criminal offence and was thus a 'qualifying disclosure'
- they reasonably believed the evidence was likely to be concealed or destroyed
- the concern had already been raised with the employer or a suitable alternative
- the concern is of an 'exceptionally serious' nature
- they had suffered an identifiable detriment
- the disclosure itself must be reasonable.

## 6. What rights do I have?

- 6.1. You have the right to be able to report any personal matter of conscience or concern you encounter in the workplace. You also have a specific right to legal protection if you expose activities that you believe to be illegal or against the public interest.

## 7. Procedure

- 7.1. How do I report a personal matter of conscience or concern at work?  
There are three distinct stages to the procedure:

### 7.2. Step 1 – The Informal Approach

- 7.2.1. In the first instance, any personal professional matters of concern or matters of conscience experienced in the course of work should, if possible, firstly be raised informally and resolved through your line manager or a member of the senior management team. Whilst no proof is initially required, employees are expected to act in good faith and have a reasonable belief in the information being disclosed.

### 7.3. Step 2 – The Formal Approach

- 7.3.1. If the concern is cannot be resolved informally, or you do not feel able to address the issue due to the seriousness of the matter, you can raise your concern formally in writing (assistance can be arranged if required) and sent to the Services Manager or Chief Executive of Age UK Wiltshire. An acknowledgement will be made in writing, an investigation undertaken. You should raise your concern in writing to one of the nominated officers listed below:

- Julian Kirby, CEO [julian.kirby@ageukwiltshire.org.uk](mailto:julian.kirby@ageukwiltshire.org.uk)
- Daphne Pullen, Chair, [daphne.pullen@ageukwiltshire.org.uk](mailto:daphne.pullen@ageukwiltshire.org.uk)

- 7.3.2. A Whistleblowing Sub-committee will be formed within 10 working days comprising CEO and two trustees of the Charity. The Committee investigate and will consider the concern and may ask the whistleblower to meet with them. The whistleblower may request a personal hearing with the Committee and has the right to be supported or represented by a person of their choice.

- 7.3.3. The Whistleblower Committee will endeavour to reach its decision within 10 working days and notify parties accordingly. Where this proves impracticable, due to the complexity of the case or external factors such as a wait for a key piece of information, the Committee will issue an interim or final report within one calendar month.

- 7.3.4. The Committee will maintain minutes and evidence and provide a written report of its findings with recommendations. The Board will meet to consider the recommendations and decide on the action to be taken.

### 7.4. Step 3 – Referral to AGE UK

- 7.4.1. If the matter is of extreme concern or is not a concern which can be raised internally within Age UK Wiltshire it can be raised with the Chief Executive of Age UK, Tavis House, 1 - 6 Tavistock Square, London, WC1 9NA
- 7.4.2. Alternatively, a concern can be raised with the Charity Commission, [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)
- 7.4.3. Whilst concerns should normally be raised first within Age UK Wiltshire, it is appreciated that some issues may be so serious that they need to be raised first through external routes. Extreme care should be taken if raising concerns outside of the prescribed routes (e.g. with the media, campaign groups, MPs, political parties or on social networking sites) as this may bring an employee into conflict with Age UK Wiltshire. Such disclosures are only protected by PIDA 1998 in exceptional circumstances and, if not protected could result in disciplinary procedures and ultimately dismissal for breach of confidence. An employee should take independent legal advice or advice from his/her trades union before making such a disclosure.

## **8. What information is required to raise a concern?**

- 8.1. When raising a concern, an employee should try to provide the following information:
  - The background history of the concern.
  - Any relevant dates.
  - Any evidence or grounds for suspicion behind the concern.
- 8.2. This information should demonstrate that there are reasonable grounds for concern. Proof is not required; just a reasonable, honest belief that wrongdoing has or is likely to occur.

## **9. How will the concern be handled?**

- 9.1. The person in receipt of the concern (i.e. line manager or senior manager) may instigate an investigation. This will be conducted sensitively and as quickly as possible. They may arrange a meeting to discuss the case and the employee will be contacted to confirm who will be the case contact. The employee has the right to be accompanied to a meeting by a trade union representative or work colleague who is not involved in the area of work to which the concern relates.
- 9.2. The worker will be kept up to date with the progress on the case when appropriate and informed when the matter is concluded. They will be advised as to the outcome if it is appropriate to do so.
- 9.3. Anyone raising a concern through the whistleblowing procedure is expected to continue their normal duties throughout the investigation unless this is deemed inappropriate.

9.4. If the raiser of the concern is not satisfied with the outcome of an investigation, they can raise their concern to a higher level as indicated above.

**10. Can I remain anonymous when making a disclosure?**

10.1. You can, if you wish, choose to remain anonymous when making a disclosure. However, it is more difficult to investigate such disclosures especially if further information is required. It also means you are unlikely to be kept informed of any action resulting from your disclosure.

10.2. If you feel that you are able to reveal your identity to the person you are reporting your concern to, you may ask that your identity is not revealed to others and this will be respected. This does not mean that your identity could not be revealed in any circumstances as, following a disclosure resulting in legal action against individuals or organisations, you may be required to give evidence in court.

**11. What support is available when a concern is raised?**

11.1. Employees may have the help of a colleague or a TU representative at all stages of the procedure. They may also be accompanied by such an individual at any interviews which are required.

**12. Is there anything else to be aware of?**

12.1. If a worker makes a protected disclosure and is dismissed as a result, the dismissal is automatically unfair. The individual must not suffer any detriment as a result of their actions. Where the whistleblower is victimised in breach of the Act, the individual can bring a claim to an employment tribunal for compensation. Awards will be uncapped and based on the losses suffered.

12.2. An employee is expected to raise only concerns which they believe to be true. An employee who acts in bad faith or raises malicious, vexatious or knowingly untrue concerns will face disciplinary action which could result in dismissal.