



Whistleblowing Policy & Procedure

Summary:	
Effective from:	01/07/2019
Responsible Officers:	Grace Muir - CEO HEROS Charity Stephanie Collett – Education Programme Manager
Review Date:	March 2024
Applies to:	All students
Related policies:	

HEROS Charity is committed to the principles of selflessness, honesty, integrity, objectivity, accountability, accessibility, personal judgement, respect for others, duty to uphold the law, stewardship and leadership. Such a culture should help all employees, at all levels, regardless of age, disability, race, ethnic or national origins, religious or political beliefs and affiliations, gender, sexual orientation, marital status and family responsibilities to feel free to report genuine concerns about malpractice without fear of reprisals.

It is our policy to ensure that “whistleblowing” is facilitated in a manner which fosters accessibility yet allows for the legitimate protection of the “whistleblower”. This policy applies to all staff members and trustees of the charity. This includes apprentices, volunteers, interns, contractors, temporary employees and agency workers employed by the Charity.

Procedure:

1. Introduction

Malpractice is taken seriously HEROS (The Charity). The charity and its management team are committed to ensuring that the organisation is administered honestly at all times and that it is operating in a climate of accessibility in which staff can raise legitimate concerns.

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We therefore require the individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy lays out the way in which individuals may raise concerns that they have any how those concerns will be dealt with.

1.1: Staff members and trustees are encouraged to report concerns whether by other employees, contractors or trustees. The person making the disclosure must have a reasonable belief that it is in the 'public interest' for protection to apply under this policy.

1.2: This policy and procedure also encourages staff members to raise genuine concerns without fear of adverse repercussions being taken against them. The principals of accessibility and accountability which underpin legislation protecting whistleblowers are reflected in this policy and procedure. The charity is also committed to ensuring compliance with the Bribery Act 2010.

1.3: Staff members should not use this policy and procedure for complaints relating to their own personal circumstances, such as the way they have been treated at work. In those cases the Grievance procedure should be used.

1.4: This policy does not form part of any staff member's contract of employment and it may be amended at any time.

1.5: Students are also encouraged to raise genuine concerns about suspected wrongdoings using the charity's complaints procedure. This policy and procedure is designed for the use of staff members and trustees of the charity.

2. What Is Whistleblowing?

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 in order to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are known as “qualifying disclosures”. A qualifying disclosure is one made by an employee who has a reasonable belief that

- A criminal offence
- 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 you to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is the charity’s responsibility to ensure that an investigation takes place. If you make a protected disclosure you have the right to not be dismissed, subjected to any detriment, or victimised, because you have a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

3. Applicability Of This Policy & Procedure

Staff might be unsure whether it is appropriate to raise their concerns under this policy and procedure or whether it is a personal grievance, which is more appropriate to be raised under the Grievance Procedure.

4. Protected Disclosures

Under the Public Interest Disclosures Act 1998 and the Enterprise and Regularity Reform Act 2013 the law protects a members of staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a “protected disclosure”. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see section 6 below) and must meet the following criteria:

- The procedure in this policy has been followed.
- The employee has acted in the public interest and not for personal gain or out of personal motives.
- It must consist of information and not merely be allegations of suspected malpractice. Under no circumstances should staff members or members of the charity talk to the media or to any other person or body without first exhausting the proper procedure.

5. Confidentiality

Any matter raised under this procedure will be treated in strictest confidence and the name of any employee or member of the organisation will not be disclosed without permission. Furthermore, any investigation will be carried out discreetly and the nature of the allegations and name(s) of those implicated will not be made public.

6. Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing in the workplace. Staff and others working on behalf of the charity should be watchful of illegal or unethical conduct and report anything of that nature that they become aware of immediately.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

No employee or other person working on behalf of the charity 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 worker will not be prejudiced because they have raised a legitimate concern.

Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of an investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

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, you should not agree to remain silent. You should report the matter to the CEO or chair of the board of trustees.

7. Use Of The Procedure

Stage 1: In the first instance, any concerns should be raised with the CEO, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved in giving a written statement. ANY investigation will be carried out in accordance with the principles set out above. Your statement as an employee will be taken into account, and you will be asked to comment on any additional evidence that is obtained.

The CEO will take any necessary action, including reporting the matter to the chair of the board of trustees and any appropriate government department or regulatory agency. The CEO will also invoke any disciplinary action required. On conclusion of the investigation, you will be told the outcome and what the charity has done, or proposes to do about it. If no action is to be taken, the reason for this decision will be explained.

Stage 2: Should you be concerned that the CEO is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome to the investigations to the relevant person, you SHOULD escalate the matter to the chair of the board of trustees. The chair will then arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

Stage 3: If on a conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes but is not limited to:

- HM Revenue & Customs
- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure Order 2014:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

8. Misuse Of The Procedure

Wilful misuse of this procedure to knowingly make false or malicious accusations could constitute gross misconduct and may lead to disciplinary proceedings. Whistleblowing is not to be used to raise grievances.

8. Concerns About The Procedure

8.1: Any concerns about malpractice should always be raised internally in the first instance.

8.2: If there are reasonable grounds for believing that malpractice (such as that listed in 6 above) is happening in the Charity, the CEO should be contacted immediately and details given either orally or in writing.

8.3: The Trustees will arrange for an appropriate investigation to be carried out. The method of the investigation will be determined by the Trustees and will be actioned promptly in accordance with the needs of the situation. If there is evidence of criminal activity the police will be involved.

8.4: If there is concern or dissatisfaction that the investigation is not being dealt with properly the matter should, after notifying the CEO, be raised in confidence with the Board of Trustees.

8.5: Independent confidential advice can be obtained from the charity 'Public Concern at Work' (details below).

8.6: The Charity hopes that staff will be comfortable with identifying themselves when making a disclosure. Confidentiality is assured as detailed in 5 above. If an anonymous disclosure is made, the Trustees will not be in a position to notify the individual making the disclosure of the outcome of any action taken. Anonymity will also mean that the Charity will have difficulty in undertaking an investigation.

9. Timescales

9.1 The CEO or person responsible for the investigation will normally acknowledge receipt of any concern in writing within five working days and report to the "whistleblower" on progress, the eventual outcome and any action proposed or taken. Reports may be oral or written. If written they will be sent to home addresses.

9.2 The Charity will strive to resolve matters as quickly as possible.

10. Procedure For Investigating A Disclosure

10.1: When a staff member makes a disclosure, the CEO, or person dealing with the disclosure, will acknowledge its receipt, in writing, normally within 5 working days.

10.2: The CEO will then determine whether or not further investigation is required. If the CEO consider that the disclosure does not warrant further action, the staff member will be notified in writing of the reasons for that decision and that no further action will be taken under this policy and procedure.

10.3: When a staff member makes a disclosure that warrants further action, the CEO will appoint a senior manager who will take action deemed appropriate (including action under any other applicable Charity policy or procedure). Possible actions could include internal investigation, or referral to external bodies such as the Police, Ofsted, Health and Safety Executive or the SFA.

10.4: If appropriate, any internal investigation would be conducted by a manager of the Charity, chosen by the CEO, who will have no direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the CEO as appropriate.

10.5: The CEO will arrange a meeting with the staff member making the disclosure as soon as possible to discuss their concerns. Staff members can bring a colleague or a trade union representative to the meeting under this policy, but companions must respect the confidentiality of the disclosure and subsequent investigation.

10.6: The staff member making the disclosure will be notified of the outcome of any action taken by the Charity under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concerns have been appropriately addressed they can appeal against the outcome by raising the issue with the Chair of Trustees within ten working days. The Chair of the Trustees (or person nominated by them) will make a final decision on action to be taken and notify the staff member making the disclosure.

11. Safeguards For Employees Making A Disclosure

11.1: A staff member making a disclosure under this procedure can normally expect their matter to be treated confidentially by the Charity and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.

11.2: HEROS Charity will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced by the Charity does not identify the staff member making the disclosure without their written consent, or unless the Charity is legally obliged to do so, or for the purposes of seeking legal advice.

11.3: No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure unless such action is found to be malicious.

11.4: Equally, where a staff member is threatened, bullied, pressurised or victimised by a colleague for making a disclosure, disciplinary action will be taken against the colleague in question.

12. Accountability

HEROS Charity will keep a record of all concerns raised under this policy and procedure, including instances where the CEO and/or Trustees feels that there is no case to answer and that no action should be taken.

13. Data Protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, disclosed to individuals only for the purposes of dealing with the disclosure.

14. Further Assistance

A staff member making a disclosure may want to confidentially request counselling or other support. Such a request should be made to the Trustees who will look to the matter favourably and in confidence.