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# Whistleblowing Policy & Procedure (Breakthrough)

Approved by the Breakthrough Programme Management Board (BPMB) November 2017

Next Review Date: October 2018

## 1. DEFINITION AND LEGAL BACKGROUND

- 1.1 The term 'whistle blowing' describes an action in which an employee discloses to senior management or an external body, for example the Police, some wrongdoing of the employer.
- 1.2 *The Public Interest Disclosure Act 1998 (Whistleblowers Act)* protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories listed below. To obtain protection employees must first disclose the information to the employer.
- 1.3 *The Public Interest Disclosure Act 1998* also implies actions that the employer should take to avoid damaging disclosure about its activities.

## 2. PURPOSE

- 2.1 The policy is intended to help employees who reasonably believe at least one 'relevant failure' is currently happening, took place in the past or is likely to happen in the future. A 'relevant failure' can be:
  - A criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed
  - A miscarriage of justice has been/is likely to occur
  - The health or safety of any individual has been/is likely to be endangered
  - Public funds are being used in an unauthorised manner
  - Sexual or physical abuse of clients is taking place
  - Discrimination is occurring to clients on grounds of sex, race or disability

- The environment has been, is being or is likely to be damaged
- Any other form of improper action or conduct is taking place
- Information relating to 'wrong doing' is being deliberately concealed, etc.

2.2 The 'whistle blowing' Code aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon their concerns
- provide ways for employees to raise those concerns and receive feedback on any action taken as a result
- ensure that employees get a response to their concerns and that they are aware of how to pursue them if they know what to do if they are not satisfied with any actions
- re-assure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

## 2. **SCOPE**

This policy applies to all employees, agency workers and contracted workers of the Breakthrough Programme, referred to collectively as employees below.

## 3. **PROCEDURE**

The 'whistle blowing' procedure is not intended to be used where other more appropriate procedures are available, for example:

- Grievances
- Harassment
- Discipline

### 3.1 **HOW SHOULD AN EMPLOYEE RAISE A CONCERN?**

- 3.1.1 As soon as an employee becomes reasonably concerned, they should firstly raise the issue with their Line Manager. Where the seriousness or sensitivity of the employees concerns merit involvement of a more senior manager, for example, where the line manager is suspected of malpractice, employees can approach their organisations Chief Executive.
- 3.1.2 Should the employee believe the concern to be endemic within the management structure, they may approach an alternative member of the BPMB.
- 3.1.3 Concerns may be raised verbally or in writing. Employees who wish to make a written report should use the following format:

- background and history of the concern (giving relevant dates)
- reason why they are particularly concerned about the situation.

3.1.4 If the concern is raised verbally, the manager receiving the information should put it in writing as soon as practicable to ensure that it properly reflects the concerns that have been raised.

#### **4. HOW WILL THE MANAGER/BPMB RESPOND?**

4.1 The Manager receiving the report of alleged malpractice will make initial enquiries to decide whether, an investigation is appropriate and if so, what form it should take.

4.2 Concerns or allegations that fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under that procedure.

4.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

4.4 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through local disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

4.5 Within **two weeks** of a concern being raised, the manager receiving it will write to the employee:

- acknowledging that the concern has been received
- indicating how the Manager and/or BPMB propose to deal with the matter
- giving an estimate of how long it will take to provide a full response
- stating whether any initial enquiries have been made
- supplying information on support available to the employee and
- stating whether further investigations will take place and if not, why not.

4.6 Subject to the provisions of the *Data Protection Act (1998)*, the employee will be informed of the final outcome of any allegation.

**5. WHAT SAFEGUARDS ARE THERE FOR THE EMPLOYEE?**

- 5.1 The BPMB will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in line with local Disciplinary Policy and Procedure to protect those who raise a concern in good faith.
- 5.2 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.
- 5.3 No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the obligation is not subsequently confirmed by the investigation.
- 5.4 Every effort will be made to ensure confidentiality as far as this is reasonably practicable.
- 5.5 Help will be provided to anyone raising a concern in order to minimise any difficulties, which they experience. This may include advice on giving evidence if needed. Meetings may, if necessary, be arranged off-site with the employee being represented if they wish.

**6. HOW CAN A MATTER CAN BE TAKEN FURTHER?**

- 6.1 This policy is intended to provide an avenue within the Breakthrough Programme for employees to raise concerns. If an employee takes the matter outside of the programme, they should ensure that they do not disclose confidential information and should check with their manager if unsure. The Public Interest Disclosure Act does not provide blanket protection and could leave employees vulnerable to disciplinary action if they disclose confidential information in circumstances not covered by the Act.
- 6.2 An employee who is not satisfied with the action taken and feels it is right to take the matter outside of the BPMB, may seek external advice or obtain a copy of URN 99/511 DTI guide to the Public Interest Disclosure Act 1998, in which a series of addresses and contact details are listed.