



PUBLIC INTEREST DISCLOSURE (Whistleblowing) POLICY

POLICY & PROCEDURE IMPLEMENTATION CHECKLIST

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| Policy lead: | <i>CEO</i> |
| Document author: | <i>CEO</i> |
| Version Number: | <i>3 (in this format)</i> |
| Approved by Board of Trustees on: | <i>To be reported to the January 2025 Board meeting</i> |
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| Date of next review: | <i>1st December 2026</i> |
| Diversity / Equality Impact Assessment required: | <i>No</i> |
| Data protection compliant: | <i>Yes</i> |
| Staff training / update required: | <i>Staff updated via January 2025 Newsletter.</i> |

Whistleblowing Policy Summary

This policy describes how BACKUP will address and attempt to remedy situations where staff feel things have gone wrong. It's not meant for challenging regular business decisions, settling personal scores, or replacing other complaint procedures.

Purpose and Scope:

- *The policy encourages a culture of openness to prevent malpractice.*
- *It covers serious concerns including abuse of young people, financial malpractice, health and safety risks, criminal activity, unethical behaviour, and legal violations.*
- *It is distinct from regular grievance procedures about employment terms and conditions.*

The policy offers a number of key protections:

- *To those who make disclosures in good faith.*
- *Confidentiality of whistleblowers, where possible.*
- *Against reprisals for legitimate concerns.*

However, it does not offer protection for malicious or false allegations.

Reporting Process:

1. *Concerns should be reported to line managers or the CEO.*
2. *It is possible to bypass line management and report directly to the Chair of the Board of Trustees.*
3. *Investigation procedures include:*
 - *Written acknowledgment of complaints.*
 - *Regular updates to complainant.*
 - *Full investigation of allegations.*
 - *Written report of findings.*
 - *Appropriate action based on investigation results.*

Additional Features:

- *The policy recognises the legal rights of staff to report to external bodies if internal procedures are exhausted.*
- *It complies with the Public Interest Disclosure Act 1999.*

This policy also refers to the negative impact of workplace gossip and asks staff not to gossip about colleagues or others.

POLICY

1. Introduction

- 1.1. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring malpractice. BACKUP has a duty to identify such situations and to take the appropriate measures to remedy the situation. By encouraging a culture of openness BACKUP aims to prevent malpractice. Therefore, we encourage ALL individuals who are part of the BACKUP team to raise issues which concern them about the level, nature and quality of the services we provide.
- 1.2. The Whistleblowing Policy allows for genuine concerns to be raised by any member of the core staff team, Bank Workers or volunteers, where it is felt that the interests of young people, staff, volunteers or of the organisation itself are at risk. This policy is usually referred to when it is considered that the concerns are serious and when normal reporting channels would be insufficient. This policy makes it clear that employees and volunteers can voice their concerns in confidence and without reprisal.
- 1.3. However, if an employee's concerns are about their own Terms and Conditions of Employment, they should refer to the grievance procedures, preferably by addressing it informally, initially, and then formally if necessary.
- 1.4. BACKUP is committed to the highest standards of openness, probity and accountability and an important aspect of accountability and transparency is a mechanism to enable staff to voice concerns in a responsible and effective manner.
- 1.5. BACKUP has endorsed the provisions set out below to ensure that no member of staff should feel at a disadvantage in raising legitimate concerns.
- 1.6. The process also needs to take account of reporting obligations to Commissioners from BMBC, LADO and Ofsted during any investigation.

2. Scope of policy

- 2.1. This policy is designed to enable employees of BACKUP to raise concerns internally and at a high level and to disclose information, which the individual believes shows malpractice or impropriety.
- 2.2. This policy is intended to cover concerns, which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:
 - Abuse of young people¹ by BACKUP staff or staff of other agencies.

¹ BACKUP uses the term "young people" to refer to the people who need to use its services; as opposed to service users, customers or clients.

- Financial malpractice or impropriety or fraud
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Failure to comply with a legal obligation or Statutes
- Attempts to conceal any of these.

PROCEDURE

1. Safeguards

1.1. The Whistleblowing Policy is designed to offer protection to those employees of and volunteers at BACKUP who disclose concerns provided:

- the disclosure is made in good faith
- there is a reasonable belief that it is substantially true
- employees do not act maliciously or make false allegations
- employees do not seek any personal gain.

1.2 It is important to note that:

- no protection from internal disciplinary procedures is offered to those who choose not to use the procedure
- in an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Anonymous allegations.

1.3 The Whistleblowing Policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of BACKUP. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

Untrue allegations.

1.4 If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

2. Confidentiality

2.1 All disclosures will be treated in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, employees are encouraged to make signed statements of any disclosures they may make, but the identity of the individual will normally be kept confidential unless he or she agrees otherwise. In the case of criminal activity where the police may become involved, it may not be possible to guarantee anonymity.

3. Procedures for making a disclosure

- 3.1. On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:
 - 3.1.1. Complaints of malpractice will be investigated by a line Manager who will be identified by the Chief Executive (CEO) or relevant Director, unless the complaint is about those postholders in which case the Chair of the Trustees will lead. In such cases, the complaint should be passed directly to the Chair of the Board.
 - 3.1.2. The CEO or Chair will nominate an appropriate Trustee or Senior Manager to act as the alternative investigating officer.
 - 3.1.3. Complaints against the Chair should be passed to the Vice Chair or Treasurer who will nominate an appropriate investigating officer.
- 3.2. *The complainant has the right to bypass the line management structure and take their complaint direct to the Chair.* The Chair has the right to refer the complaint back to a senior manager if he/she feels that they can without any conflict of interest more appropriately investigate the complaint.
- 3.3. Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach a member of the Board of Trustees who can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them.
- 3.4. If there is evidence of criminal activity, then the investigating officer should inform the CEO and the police will be informed. BACKUP will ensure that any internal investigation does not hinder a formal police investigation.

4. Timescales

- 4.1. Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
- 4.2. The investigating officer should as soon as practically possible:
 - Send a written acknowledgement of the concern to the complainant.
 - Thereafter report back to them in writing the outcome of the investigation and on the action that is proposed.
 - Meanwhile, if the investigation is a prolonged one, keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
 - All responses to the complainant should be in writing and sent to their home address.

5. Investigating procedure

- 5.1. The investigating officer should obtain full details and clarifications of the complaint.
- 5.2. The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible.
- 5.3. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- 5.4. The investigating officer should consider the involvement of other Agencies, including Child Protection Officers, Scheme Auditors, BACKUP's Human Resources advisors, or the Police, etc. at this stage and should consult with the Chair.
- 5.5. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- 5.6. A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair and / or other Board members as appropriate.
- 5.7. The Chair or other Board member will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.
- 5.8. The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- 5.9. BACKUP will review its relevant procedures in light of the outcome of the investigation and if appropriate, a copy of the outcomes will be passed to the charity's Auditors, or Human Resources advisors to support the review.
- 5.10. If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chairman, or one of the designated persons described above in 3.1
- 5.11. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, BACKUP recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons e.g. the Health and Safety Executive, the Audit Commission, the Charity Commission or the utility regulators or, where justified, elsewhere.

6. Office gossip

- 6.1. BACKUP does not have procedures in place governing workplace gossip, but is aware that it can lead to:

- Erosion of trust and morale.
- Lost productivity and wasted time.
- Increased anxiety among employees as rumours circulate without clear information as to what is and isn't fact.
- Divisiveness among employees as people take sides.
- Hurt feelings and reputations.
- Attrition due to good employees leaving the company because of an unhealthy work environment.

6.2. While it is hard to prevent gossip entirely, the charity will attempt to manage the extent to which it occurs. As such, all staff are advised that:

*Whatever you say at work, outside work, on line or off line, verbal, text/email or even if you believe it to be in private and in confidence (TRUE OR NOT) – if it is an allegation, accusation, criticism or comment **about colleagues / managers / leadership team / bank staff / volunteers / full teams / Trustees** even if it is worded / presented as gossip, office banter or humour IS ON THE RECORD.*

If you say it, be prepared for it to be treated formally and investigated and your reasons / sources and evidence to be declared. If this occurs and you have no basis for making the remark(s) you will be held accountable and asked to explain yourself in a formal on the record conversation which may (worst case scenario) result in disciplinary action for breaches of the code of conduct, values and harassment of colleagues for making unfounded allegations with no rationale.

If you hear this kind of comment and gossip and think it's unfounded then feel free to challenge the person saying it or ask why they are saying it ? If allegations are made that require escalation and need investigation you have a duty to pass it on, it will be investigated.

If you aren't sure what you are passing on is true or factual; do not say it. Speculation, opinion etc. still counts, so if you cannot back it up, don't repeat it.

Whatever you pass on will not necessarily be shared (constructive feedback on performance / confidentiality / safeguarding / whistleblowing etc.) but will be recorded / noted.

Obviously we will support any cases that need investigation so our policies and values are upheld.

Maura Jackson

CHIEF EXECUTIVE

Email to all staff: 16th May 2022

7. Conclusion

- 7.1. The Public Interest Disclosure Act 1999 gives legal protection to employees against being dismissed, penalised or victimised by their employers for publicly disclosing serious, legitimate concerns. BACKUP's Whistleblowing Policy is designed to enable employees to raise concerns internally about malpractice or wrongdoing within the organisation, without fear of reprisals.
- 7.2. This policy and procedure is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not intended:
- to be a mechanism for staff to challenge decisions with which they disagree
 - to settle personal scores
 - to question financial or business decisions taken by BACKUP
 - to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

This policy is due for renewal on the
1st December 2026

BACKUP NORTH WEST

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Registered Charity Number 1064698. Company Number 3399617.