

Whistleblowing Policy (part of Safeguarding portfolio)

Introduction

SIA 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. It applies to all employees and volunteers.

Policy & Procedure

What is whistleblowing?

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.

This policy provides advice on how employees and volunteers should address any personal matters of conscience or professional concern they may experience in the course of their work. This may include something that they believe is fundamentally wrong, illegal or endangers others within SIA or the public.

Employees and volunteers are encouraged to raise any concerns they may have about a wrongdoing and will be afforded protection.

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.

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.

Public Interest Disclosure Act 1998 (PIDA)

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

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 fraud (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.

Qualifying disclosure

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 (this list is not exhaustive):

- 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

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.

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.

Further preconditions

The whistle-blower must also meet one or other of the following further pre-conditions:

- 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.

Your rights

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.

Reporting issues of concern

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 Leadership 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.

The Senior Leadership Team can be reached via their SIA emails and comprise:

- Chief Executive Officer
- Head of Finance & Operations
- Head of Services
- Head of Advocacy & Campaigning
- Head of Investments & Partnerships
- Head of Communications & Engagement

If the matter cannot be resolved informally, or you do not feel able to address the issue due to the seriousness of the matter, or because you think the matter involves your line manager and/or members of the Senior Leadership Team you can raise your concern formally and through SIA's

Trustees. You should raise your concern in writing to any one of the nominated Trustees listed below.

- Chair of Trustees
- Senior Vice-Chair
- Vice-Chair
- Honorary Treasurer

If, for any reason, an individual feels unable to take any of the action outlined above a concern can be raised with the Charity Commission, www.charitycommission.gov.uk

Whilst concerns should normally be raised first within SIA, 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 SIA. 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 before making such a disclosure.

Information required to raise a concern

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

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.

How concerns will be handled

The person in receipt of the concern 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.

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.

Anyone raising a concern through the whistleblowing procedure is expected to continue their normal duties throughout the investigation unless this is deemed inappropriate.

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.

Anonymity when making a disclosure

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.

If you feel 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.

Support available when a concern is raised

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

Other things to be aware of

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.

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.

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Related policies	Disciplinary Policy, Harassment & Bullying Policy