

WEB/RISC Whistle-blowing policy 2019

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WEB/RISC Whistle-blowing Policy

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1. Policy statement

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 all 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 sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2. Background

(a) The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence
- A 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
- Concealment of any of the above

(b) 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 not to be dismissed, subjected to any other detriment or victimised because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 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 any 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 collective member, you should not agree to remain silent. You should report the matter to the board of trustees. If told not to raise or pursue any concern by a Trustee then you should report the matter to the Charity Commission for England and Wales.

4. The difference between ‘Whistle-blowing’ and ‘Complaints’

‘**Whistleblowing**’ only applies if the matter affects the *general public* and so is considered to be in the public interest; the individual whistleblower is not usually directly affected by the malpractice or illegality. **A complaint** is usually about some aspect of the individual’s work or service user circumstances that he is unhappy about and has no bearing on public interest. In such cases employees should refer to the Grievance or Disciplinary procedures, service users should refer to the Complaints procedure and volunteers should refer to the Volunteer Policy.

Examples of whistleblowing

An employee/volunteer is expected to report things that aren’t right, are illegal including:

- someone’s health and safety is in danger
- damage to the environment
- a criminal offence
- the organisation isn’t obeying the law (such as not having the right insurance)
- covering up wrongdoing
- discovering a practice or behaviour which could be considered unethical
- safeguarding and/or child protection concerns.

5.1 Who is protected?

The following people are protected:

- employees and volunteers
- agency workers
- people that are training with an employer, but not employed

- self-employed workers, if supervised or working off-site

An employee/volunteer will be eligible for protection if they honestly think what they're reporting is true and they think they're telling the right person.

5.2 How to 'blow the whistle' in WEB/RISC

Stage 1

In the first instance the employee/volunteer should raise the matter with a member of the collective, who will, inform the Board of Trustees and arrange an investigation into the matter. A list of the collective members can be found on RISC staff/volunteer Reporting Structure.

The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained.

The Collective Member will take any necessary action, including reporting the matter to the Board of Trustees and any appropriate government department or regulatory agency.

The Collective Member will also invoke any disciplinary action required.

On conclusion of any 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 will be explained.

If a Collective member has a concern about another Collective member then stage one is omitted and the collective member should go straight to stage 2.

Stage 2

If you are concerned that the Collective Member is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the named Trustee below who will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

Named Trustee for Whistleblowing: Hammad Kazi

Contact detail: Hammad Kazi - hammadabidkazi@gmail.com

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken then you should report the matter to the relevant body. This includes:
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 (Prescribed Persons) Order 2014:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/49689/9/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

7. When to 'blow the whistle' externally

If they feel that the Collective and the Trustees will cover the matter up, treat them unfairly, or are not treating the matter seriously then they should contact the relevant external prescribed person or body for the issue.

Examples of prescribed persons or bodies include those identified in stage 3 above. Locally, Reading Voluntary Action (RVA) can be contacted.

Contact details: advice@rva.org.uk or tel; 01189372273

Further information on prescribed person and bodies is available for ACAS (contact details in section 8 below) or online on www.gov.uk.

8. Further Information

For more information about whistle-blowing visit ACAS website:

<http://www.acas.org.uk/index.aspx?articleid=1919>

Or you can call ACAS on: **0300 123 1100** (8am-8pm Monday to Friday and 9am-1pm Saturday)

ACAS stands for, Advisory, Conciliation and Arbitration Service.