



WHISTLEBLOWER POLICY

Policy

This policy is for staff, volunteers and anyone else who works for Back Up. It aims to encourage anyone to raise concerns or disclose information which an individual believes to be fraudulent, criminal or result in malpractice. All organisations face the risk of things going wrong, and Back Up has a duty of care to allow staff, volunteers, or service users to disclose information about itself or relevant organisations in confidence so that appropriate action can be taken to remedy the situation.

Context

The Whistle-blower Policy, as with everything we do, is driven by the needs of people with spinal cord injury and takes place within the context of our values:

- **We embrace challenge**
- **We have fun**
- **We build inclusive communities**
- **We are ambitious for each other**

We understand raising a whistleblowing concern may be difficult to do and we want to positively encourage people to report malpractice, fraudulent or criminal activity when the claim is made in good faith.

Purpose

- To provide staff and volunteers with a definition of malpractice and identify a standard of conduct required.
- To provide staff and volunteers with guidance on procedures they should adopt when malpractice occurs.
- To ensure that staff and volunteers respond effectively that steps are taken to prevent further malpractice where possible and that incidents are properly recorded and investigated where necessary.
- To stress that no disciplinary action will be taken against whistle-blowers in respect of claims made in good faith.
- To highlight whistle-blower protection is ensured by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. However, if you report your concern to the media you may lose your whistleblowing law rights.

- To highlight that under the law, interns, contractors, or volunteers are not afforded the same legal protection that is afforded to employees. Back Up wants to encourage and promote an open and honest environment, we will therefore in so far as is possible aim to treat all individuals making a disclosure in the spirit of the Public Interest Disclosure Act 1998.
- To clarify the timescale. A concern can be raised at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

When is it whistleblowing?

Under the Public Disclosure Act 1998

whistleblowing occurs when a person raises a concern about past, present or imminent wrongdoing, or an attempt to cover up wrongdoing. There is no personal gain.

If an individual has a concern about their employment, this is a grievance.

If an individual makes a complaint, it is because they personally have been poorly treated. Back Up provides guidance in all circumstances.

Definition of Fraud, Criminal activity or Malpractice

As a whistleblower it is your right to remain anonymous (if desired and wherever possible) when a disclosure is made in good faith and is about:

- a criminal act
- a failure to comply with a legal obligation.
- a miscarriage of justice
- a danger to health and safety
- damage to the environment
- an attempt to cover up any of these.
- breach of code of conduct

The malpractice could be happening currently, in the past or is likely to happen in the future.

Procedure guidance

In the event of an incident or activity resulting in any of the above, it is important it is reported in a timely manner to your line manager. Where this is not appropriate because they may be involved in the alleged malpractice, wrongdoing, or illegal acts in some way, or otherwise unavailable, raise your concern with their manager. In circumstances where it would be inappropriate for you to approach both your manager and their manager you should raise the matter directly with the Chief Executive.

Where a concern is about the Chief Executive or a Trustee you should contact the Chair. Where a concern is about the Chair you should contact the Company Secretary.

Any Manager or Trustee receiving a potential whistleblowing concerns must notify the Company Secretary immediately that a concern has been raised and inform them of progress in resolving the concern.

You do not need to have proof that such an act is being or has been or is likely to be committed. You do however need to hold a reasonable belief of such an action having been being or likely to be carried out.

You can make your disclosure orally, but written disclosures are preferable as these will make the process more efficient and effective. In your disclosures you should:

Provide any relevant context and background, including relevant dates, venues, names etc.

State clearly the reason why the situation is a cause for concern.

State that you are raising your concern using the whistleblowing policy and whether you wish your identity to be kept confidential.

Completely anonymous disclosures are difficult to investigate, however, If you want to raise your concern confidentially, we will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern.

What happens after I raise a concern?

Your concern will be acknowledged within 3 working days.

The Manager / Company Secretary will arrange to meet you as soon as possible, away from the workplace if necessary, to enable you to explain your concern.

The Manager / Company Secretary may not be able to tell you the precise action taken where this would infringe a duty of confidence owed to someone else. The process will be as open as possible subject to these constraints.

What action will be taken?

Typically, the matters raised may result in one or more of the following:

No action required

Action taken under Back Up policy or procedure

Internal investigation

A referral to the police or other relevant statutory body

A notification to Back Up's external auditors

A referral to the Charity Commission

Even if your concern proves to be unfounded you will be protected against any reprisals from your manager, colleagues or any other employee of the business.

Making a deliberately false allegation, however, against the Charity, a fellow employee or any other person will be treated as an act of gross misconduct which will usually result in dismissal.

If you are the subject of an allegation of wrongdoing then you will be informed of the allegation and given every opportunity to explain the situation and put your side of the story. Disciplinary action will only be taken following a full investigation in accordance with the disciplinary procedure.