



Boscombe Link, 3-5 Palmerston Road, Bournemouth BH1 4HN.

Tel & Fax: 01202 466130

email: [contactus@bournemouthcvs.org.uk](mailto:contactus@bournemouthcvs.org.uk)

## **WHISTLEBLOWING POLICY & PROCEDURE**

### **Purpose and Scope**

Bournemouth Council for Voluntary Service (BCVS) is committed to achieving the highest possible standards of service and highest possible ethical standards in public life and in all its practices. To achieve these ends it encourages its staff, volunteers, trustees and users to tell us when we get things right or wrong so we can continuously improve. BCVS also encourages staff, volunteers and trustees to use internal mechanisms for reporting any malpractice or illegal acts or omissions at the earliest opportunity so these can be acted on.

The Public Interest Disclosure Act 1998 (The 'Whistleblowing' Act) gives significant protection to employees and contractors who disclose information reasonably and responsibly in the public interest. The Act encourages people to raise concerns about malpractice in the workplace by providing protection from dismissal and victimisation. BCVS will also extend this protection to its volunteers and trustees.

BCVS aims to deal effectively and quickly with any identified malpractice within its work. This policy provides employees, volunteers and trustees with a procedure for raising issues where the interests of others or of BCVS are at risk. Contractors providing services are also able to raise concerns under this procedure.

A disclosure of information qualifies for protection if, in the reasonable belief (this does not require an individual to prove the allegation) of the individual, shows that there has occurred, or is likely to occur, one of the following:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above.

For example, the types of issues that can be raised under this policy include:

- Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel).
- Misadministration (e.g. unjustified delay, incompetence, neglectful advice).
- Health and safety risks, including risks to the public as well as other employees (e.g. faulty electrical equipment).

- Abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect).
- Damage to the environment (e.g. pollution).
- Fraud and corruption (e.g. housing benefit fraud, to solicit or receive any gift/reward as a bribe).
- Abuse of power (e.g. bullying/harassment).
- Decision making for personal gain
- Serious breach or abuse of a BCVS policy
- Discrimination of any kind
- Other unethical conduct.

Please note that this is not a comprehensive list but is intended to illustrate the sorts of issues which can be raised under this policy.

In order to benefit from the protection of the legislation the whistleblower has to make the disclosure in the public interest and have a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur to an appropriate person (i.e. employer, regulator or if serious and unresolved another external body).

If an employee is aggrieved about their own personal position and/or their concern does not fall into one of the categories listed above, the employee may be able to raise a grievance under the BCVS Grievance Procedure instead. Volunteers and trustees should make use of the Complaints Procedure. Further details about the grievance procedure are available in the Personnel Handbook.

BCVS encourages its employees, volunteers and trustees to use this procedure to raise any worries regarding any of the above issues as early as possible.

Anonymous disclosures are very difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from the whistleblower, give feedback or ascertain if the disclosure is made in the public interest. BCVS does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns. However BCVS will treat all disclosures, even if anonymous, seriously and will take appropriate action.

Whistleblowers that raise genuine concerns (even if the concern is later discovered to be mistaken) will not be at risk of suffering adverse repercussions because of their actions and, wherever possible, confidentiality and the interests of the whistleblower concerned will be protected. However, a whistleblower that maliciously raises a matter under this procedure that they know is untrue or who does not act in the public interest may be subject to disciplinary action.

BCVS will not tolerate any harassment or victimisation of a 'whistleblower' (including informal pressures) and any such action will be regarded as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.

BCVS will ensure all staff, volunteers and trustees are made aware of this policy.

## **Procedure**

### **Concerns raised internally**

- Any concerns falling within the scope of this policy should be raised orally, or preferably in writing, giving the history of the concern, as much detail as possible (including all relevant dates, names and places where appropriate) about the issue and outlining any particular concerns about the situation.
- In the first instance, whistleblowers will ideally feel they are able to raise the concern with their line manager (for trustees it should be the Chief Executive or Chair of Trustees as appropriate). If a whistleblower feels unable to do this the concern should be raised with another line manager, the Chief Executive Officer, a member of the Trustee board or ultimately, the Chair of Trustees.
- If the disclosure is made orally then the line manager will make a record of the disclosure.
- Where the whistleblower wishes to have their identity protected, their name will not generally be disclosed without their consent. However, it is acknowledged that in some cases it will not be possible to resolve the concern without revealing their identity and if the seriousness of the situation indicates that action must be taken it may not be possible to protect the identity of the individual concerned.
- Within 10 working days of making a disclosure the whistleblower will receive in writing an acknowledgement that their concerns have been received and an indication as to how BVCVS will proceed.
- The concern will be thoroughly investigated as quickly as is reasonably possible by an appropriate person. Where the whistleblower is required to attend meetings during the investigation, whenever practical and reasonable (and away from BCVS offices where appropriate), they will have the right to be accompanied by a colleague or Trade Union representative.
- Where it is considered appropriate, the matters raised may be referred to external authorities to investigate i.e. the Charity Commission, the police, or auditors.

- Whistleblowers will be kept informed of the progress of their complaint. The outcome of the investigation will be confirmed in writing as soon as is reasonably possible, however the detail of the action to be taken may not be appropriate to divulge e.g. pending criminal investigations or confidentiality issues.
- BCVS will ensure that the whistleblower has any appropriate support during and after the investigation.

### **Raising concerns with external bodies**

BCVS hopes that staff, volunteers and trustees will feel reassured and able to raise issues through its own internal procedure. However, BCVS does recognise and accept that there may be circumstances where a whistleblower can report matters to an appropriate outside body, such as financial auditors, the Charity Commission or the police, if they wish to or if they are unhappy with the outcome of the internal process.

Disclosures to the media are only likely to be protected by this policy if there is a justifiable cause for going wider and where the disclosure is reasonable in the circumstances. A disclosure to the media is likely to be protected if BCVS has a history of ignoring, discouraging or suppressing whistleblowing concerns.

Provided the matter is raised in the public interest and it is reasonable in the circumstances to disclose it to an external authority no disciplinary sanctions will result. This policy takes precedence over the confidentiality policy in this respect however the disclosure should only be to the extent necessary to deal with this issue in question.

### **Independent advice**

If a member of staff, volunteer or trustee is unsure whether to use this procedure or they want independent advice at any stage, they can contact an independent charity called Public Concern at Work ([www.pcaaw.org.uk](http://www.pcaaw.org.uk)). Their lawyers can give free confidential advice about how to raise a concern about serious wrongdoings or malpractice at work.

Alternatively, employees can contact a Trade Union or professional organisation.

Date:

Signed:

Chair of BCVS Board

Chief Executive BCVS

Policy Agreed: 18 September 2014