



WHISTLE BLOWING POLICY

Rationale

The Charity is committed to the highest standards of openness, probity and accountability. Such standards are essential to prevent wrongdoing, which may damage the organisation's reputation and/or performance, and could even save people from harm or death. Any individuals with serious concerns about illegal or unethical activity in the organisation is strongly encouraged to voice those concerns. This also applies to concerns about the actions of staff, volunteers and Trustees. It also covers suppliers and those providing services under a contract with the Charity. Consultants and casual workers are also covered. The term 'individual' used throughout this document is used to include all the above.

Employees are often the first to realise that there may be something seriously wrong within the organisation. 'Whistleblowing' is viewed by the Charity as a positive act that can make a valuable contribution to the organisation's efficiency and long-term success. It is not disloyal to colleagues or HACS to speak up. The Charity is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards, freedom of speech is strongly encouraged.

This policy outlines how issues can be reported internally, and if necessary, outside the management structure of the Charity. Concerns will be seriously considered and appropriate action taken will be taken in response to disclosures. Anyone who raises these concerns will be protected from reprisals or victimisation.

Definition

"Whistleblowing" is means the reporting of suspected wrongdoing, misconduct, illegal acts or failure to act within the organisation. The act of reporting a wrongdoing is a "protected disclosure". Qualifying disclosures are disclosures which the worker reasonably believes tends to show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future. To qualify as a "protected disclosure", the suspected wrongdoing must fall into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone's health and safety
- damage to the environment
- covering up/deliberate concealment of wrongdoing in the above categories

Sometimes an employee believes they are blowing the whistle when, in fact, their complaint is a personal grievance. Employees who make a disclosure under the organisation's whistleblowing policy should do so if they believe that they are acting in the public interest. Personal grievances and complaints are not usually covered by whistleblowing law. Personal grievances (for example bullying, harassment, discrimination) should be reported under the Charity's Grievance policy, unless the particular case is in the public interest.

Legal Context

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for the organisation to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Charity cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

Protection for Whistle-blowers

The Charity is committed to good practice and high standards and to being supportive of all employees. The Charity recognises that the decision to report a concern can be a difficult one to make. If individuals honestly and reasonably believe what they are saying is true, they should have nothing to fear because they will be fulfilling their duty to HACS, their colleagues and the beneficiaries of HACS.

The Charity will not tolerate any harassment or victimisation of a whistle-blower (including informal pressures) and will take appropriate action to protect individuals who raise a concern in good faith. Such harassment will be considered as a serious disciplinary offence which will be dealt with under the Charity's disciplinary procedure.

Throughout this process:

- Whistle-blowers will be given full support from senior management
- concerns will be taken seriously, and
- the Charity will do all it can to help the whistle-blower throughout the investigation

Confidentiality

All concerns will be treated with the utmost privacy and sensitivity. Every effort will be made not to reveal the identity of the whistle-blower. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of the disclosure without the whistle-blower's help, so they may be asked to come forward as a witness. Appropriate advice and support will be provided to witnesses. The Charity may be required by law to break that confidentiality; however, whistle-blowers can be assured that the Charity will seek appropriate legal advice before doing so.

Anonymity

The Charity encourages individuals to put their name to an allegation whenever possible. If an allegation is made anonymously, it is much more difficult for the Charity to protect the whistle-blower's position or to provide feedback. This policy is not ideally suited to concerns raised anonymously. Anonymous claims carry much less weight. However, they may be considered at the discretion of the Charity. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

Raising a Concern

Where possible, disclosures should be made to the employer first. However, if the individual feels unable to use the internal procedure documented herein, disclosures can be made externally to "prescribed persons", as defined by Public Interest Disclosure Act 1998. The relevant prescribed persons in relation to HACS are mainly (but not limited to) The Charity Commission and Ofsted. A full list of prescribed persons and details of how to report to these bodies can be found at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>.

If an individual raises concerns outside of the Charity, they must ensure that it is to one of these prescribed persons. A public disclosure to anyone else could take the individual outside of the protection of the Public Interest Disclosure Act and of this Policy.

Individuals should not disclose information that is confidential to the Charity or to anyone else, such as colleagues or stakeholders, except to those included in the list of prescribed contacts. This Policy does not prevent individuals from taking their own legal advice.

Whistle-blowing Procedure

1. Any individual wishing to make a disclosure should contact the Chief Executive either in person or in writing. Disclosures made in person will need to be followed up in a written statement. If the complaint is regarding the Chief Executive, or a conflict of interest arises which would inhibit an impartial investigation by the Chief Executive; the complaint should be sent in the first instance to the Chair of Trustees, who will delegate the duties listed below of the Chief Executive to an appropriate Trustee.
2. Individuals will need to provide the following information:
 - the nature of their concern and why they believe it to be true
 - the background and history of the concern (giving relevant dates)

Although individuals are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that they have a genuine concern relating to suspected wrongdoing or malpractice within the Charity and there are reasonable grounds for their concern.

3. The Chief Executive will acknowledge the disclosure within 5 working days and will provide an indicative date for a written response, and a summary of how the matter will be handled. The Chief Executive will be responsible for ensuring that the disclosure is investigated appropriately. The overriding principle for the Charity will be the public interest. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The Chief Executive may need to meet with the whistle-blower to clarify details of their complaint and the resolution that is being sought. Individuals may invite a trade union or workplace colleague to be present for support during any meetings or interviews in connection with the concerns they have raised.
4. The Trustees will be informed of the existence of the disclosure. Depending on the nature of the disclosure, they may or may not be provided with full details at this stage. This will be dependent on whether the Trustees may need to remain impartial in order to participate in the investigation at a later stage.
5. The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. However, in certain cases, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases. In cases related to Safeguarding children and young people, allegations will be made in accordance with the Charity's Safeguarding Strategy.
6. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
 - be referred to the police
 - be referred and put through established local and/or child Safeguarding procedures
 - form the subject of an independent inquiry
7. Following written acknowledgment of the disclosure, the amount of contact between the Whistle-blower and the delegated Charity representatives investigating the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
 8. Whistle-blowers need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.
 9. This Policy is intended to provide individuals with a clear framework and procedure to raise concerns. If individuals are not satisfied with how the disclosure has been handled, they should raise this with the Chair of Trustees, in writing, addressed to the HACS Resource Centre, for the sole attention of the Chair of Trustees. However, if the individual feels it is right to take the matter outside the Charity, they should use the previously described “prescribed persons” route.