Whistle-blowing policy

This policy applies to all employees and volunteers of WinACC, referred to as "staff" for the purpose of this policy.

Introduction

Staff are often the first to realise that there may be something seriously wrong in an organisation. However, they may not express their concerns. They may feel that they will not be listened to, or that they may be making a fuss about nothing. They may feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than tell anyone about what may just be a suspicion of malpractice.

This whistle-blowing policy is intended to encourage and enable people to raise serious concerns within the charity rather than overlooking a problem or airing their complaints outside the charity. It is written in the context of the Public Interest Disclosure Act which protects employees who 'blow the whistle' on malpractices within their organisation.

WinACC is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect staff and others that we deal with, who have serious concerns about any aspect of the charity's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can come forward without fear of victimisation, subsequent discrimination or disadvantage.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. Whistleblowing is not the same as making a complaint or raising a grievance. WinACC has a separate complaints policy and separate procedures to enable employees to lodge a grievance relating to employment matters.

Aims and scope

This policy is designed to enable WinACC staff to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately, but then might lead to the invocation of other procedures e.g. disciplinary. These concerns include:

a) Financial malpractice, impropriety or fraud.
b) Failure to comply with a legal obligation or statutes.
c) Dangers to Health & Safety or the environment.
d) Conduct which is a breach of the law
e) Improper behaviour or unethical behaviour.
f) Attempts to conceal any of these.

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

Safeguards

This policy is designed to offer protection to WinACC staff who disclose serious concerns, provided the disclosure is made to an appropriate person (see below) and in the reasonable belief of the individual making the disclosure that it

- tends to show one of the six concerns listed above; and
- is made in the public interest.

Please note that protection from internal disciplinary procedures is not guaranteed to those who choose not to use the procedure set out in this policy.

WinACC is committed to good practice and high standards and wants to be supportive of staff. It recognises that the decision to report a concern can be a difficult one to make. If what is reported is true, staff should have nothing to fear because they will be doing a duty to the charity and those for whom it is providing a service.

WinACC will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect staff when they raise a concern.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

Confidentiality

WinACC will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are less credible, but they may be considered at WinACC's discretion.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- whether the concern is believable

- whether an investigation can be carried out based on the information provided.

Untrue allegations

In making a disclosure the individual should exercise due care to ensure the accuracy of the information. They should also consider carefully whether it is reasonable for them to believe the information tends to show one of the six concerns listed above and that it is in the public interest to disclose it. If an individual makes an allegation which is not confirmed by subsequent investigation, no action will be taken against that individual, provided they have complied with the safeguards above.

How to raise a concern

Concerns should normally be reported to the individual's immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the allegation is about their immediate manager, then concerns should be directed to the Executive Director. Concerns about the Executive Director should be passed to the trustee who leads on HR matters (currently Sue Turner) or the Chair or Company Secretary.

Concerns may be raised verbally or in writing. Staff are encouraged to make a written report which mentions the following:

- the background and history of the concern (giving relevant names, dates and places where possible)
- the reasons for the concern.

Staff should report the concern at the earliest opportunity so that action can be taken.

Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

The complainant has the right to bypass their immediate manager and take their complaint direct to the Executive Director, Chair of Trustees or Company Secretary. The Chair or Company Secretary has the right to refer the complaint back to management if he/she feels that the management can, without any conflict of interest, more appropriately investigate the complaint.

Actions that WinACC will take

The investigating officer should follow these steps:

- As soon as practically possible, send a written acknowledgement of the concern to the complainant.
- Obtain full details and clarifications of the complaint.
- In order to protect individuals and those accused of misdeeds or possible malpractice, make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take.

- Within 10 days, acknowledge to the complainant that the complaint has been received; indicate how it is proposed to deal with the matter and inform them whether further investigations will take place and if not, why not.

- Inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.

- Consider whether it is appropriate to involve WinACC's accountant and/or the police at this stage, and consult the Executive Director or Chair or Company Secretary of Trustees.

- If there is evidence of criminal activity, inform the police. WinACC will ensure that any internal investigation does not hinder a formal police investigation.

- Fully investigate the allegations with the assistance where appropriate, of other individuals / bodies.

- Make a judgement concerning the complaint and its validity. This judgement should be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report should be passed to the Executive Director and/or Chair or Company Secretary as appropriate.

- Keep the complainant informed of the progress of the investigations and, if appropriate, of the final outcome.

The Executive Director, Chair of Trustees or Company Secretary will decide what action to take, based on the investigating officer's written report. If the complaint is shown to be justified, they will invoke the disciplinary or other appropriate WinACC procedures against the relevant individuals. If appropriate, a copy of the outcomes will be passed to WinACC's accountant to enable a review of financial procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Executive Director or Chair of Trustees or Company Secretary. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, WinACC recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the Charity Commission), or, where justified, elsewhere.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

Further assistance

If any individual is unsure whether to use this procedure or requires independent advice at any stage, they may wish to contact the independent charity Public Concern at Work (020 7404 6609, www.pcaw.org.uk).

Responsible officer

The Executive Director has overall responsibility for the maintenance and operation of this policy. He or she will maintain a record of concerns raised and the outcome (but in a form which does not endanger confidentiality) and will report as necessary to the Trustees.

Version control

Date	Issue	Status	Description
July 2013	1	approved	By trustee meeting
1 July 2022 2022	1	approved	Transferred to new WinACC format, and added name of lead trustee on HR matters, and Com[- any Secretary as an alternative to Chair.