



Us Whistleblowing Policy and Procedure

Originator: Chief Operating Officer
Last Reviewed: January 2023
Next Review: January 2024
Superseded Docs: N/A
Distribution: Internal and External
Storage: US One Drive / Policies

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1. Policy Introduction

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

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

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 manager, you should not agree to remain silent. You should report the matter to the Chief Operating Officer or the Chair of the Board of Trustees.

4. Scope of the Policy

This policy applies to all staff and Trustee Board members who may find themselves required to receive, initially respond to, investigate and / or resolve a Public Interest Disclosure and ensure that learning/s are acted upon and procedures revised and implemented to avoid further conduct incidence in the future.

This will include services such as Young People's programmes, volunteer provision, fundraising and any other activities delivered and / or managed by the Charity.

5. Procedure

5a. How to make a Public Interest Disclosure

A disclosure can be made using the following contact details:-

- By telephone: 07779 838505
- By email:- suzanne@usactive.org.uk
- By post: PO Box 479, Newcastle upon Tyne, NE3 9EU

We will endeavour to make the necessary reasonable adjustments in order to receive, investigate and respond to any complaint.

5b. Exceptions to the Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the grievance procedure.

5c. Stage 1

In the first instance, any concerns should be raised with the Chief Operating Officer, who will arrange an investigation of the matter. 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 Chief Operating Officer will take any necessary action, including reporting the matter to the Chair of The Board of Trustees and any appropriate government department or regulatory agency.

The Chief Operating Officer 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.

5d. Stage 2

If you are concerned that the Chief Operating Officer 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 Chair of the Board of Trustees.

The chair will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the board.

5e. Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, 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/496899/BIS-1679-blowing-the-whistle-to-a-prescribed-person.pdf

6. How Disclosures will be recorded and used constructively

Keeping clear and accurate records of Disclosure is important and will be retained for a period of six years.

All Public Interest Disclosures the Charity receive must be recorded in a log which will include:-

- Date Disclosure received
- Brief description of Disclosure
- Nature / category of Disclosure
- Date investigation concluded
- Outcomes, actions or learning that results

7. Monitoring and reporting

A summary of the log will be reviewed periodically by the Charity's Board of Trustees, which will detail:-

- Numbers of Disclosures received in a twelve-month period
- Numbers of Disclosures received considered to be based on solid evidence or good reasons (disclosure upheld)
- Nature and extent of Disclosure / key themes that the disclosure have raised
- Actions taken, or being taken, to improve services as a result of the disclosure made
- Lessons learnt and action taken
- Number of cases which the Charity has considered and which have been referred to relevant body

The Charity will always engage with disclosures constructively and take all necessary actions, make improvements or put in place required controls and training in order to prevent similar issues occurring in the future.

8. Compliance and Review

Compliance with the policy and procedures laid down in this document will be monitored by the COO and Trustee board.

The COO is responsible for the monitoring, revision and updating of this document. This policy will be kept under review in light of operational experience. The first review will take place one year from issue.

9. Associated Documents

Privacy Policy
Confidentiality Policy
Disciplinary Procedures
Grievance Procedure

10. References

Public Interest Disclosure Act 1998

Employment Rights Act 1996

HR Services Partnership www.hrservicespartnership.co.uk|hr@hrservicespartnership.co.uk

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