

Beat Policy

Policy Name: Disclosures in the Public Interest (Whistle Blowing) Policy

Policy Number: 23

Responsible Post: HR Business Partner

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Introduction

Beat aims to act at all times with the highest standards of integrity and honesty and expects all colleagues to maintain the same standards in everything they do. Employees, trustees and volunteers are therefore strongly encouraged to report any failure to meet our standards on the part of Beat's employees, trustees, volunteers, contractors or contractual partners.

The policy sets out the way in which Beat plans to manage such issues and encourage workers to make disclosures about fraud, misconduct or wrongdoing, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

Background

The Public Interest Disclosure Act 1998 protects workers who make certain disclosures of information from being dismissed or being subjected to detrimental treatment and allows such individuals to bring action in respect of victimisation.

The Enterprise and Regulatory Reform Act 2013 confirms that for a disclosure to be protected it must reasonably appear to the individual that it is in the "public interest". Employees are protected provided they reveal information of the right type (known as a "qualifying disclosure") and they reveal that information to the right person and in the right way (known as making a "protected disclosure").

Everyone at Beat is encouraged to use the procedure set out below if they have a genuine concern about any of the following:

- Wrongdoing at work including any criminal offence
- A failure to comply with legal obligations or breach of any statutory Code of Practice (however note that any complaint relating to an alleged breach of an employee's individual contract should be raised under the Beat Grievance Policy.
- A miscarriage of justice
- A health and safety danger
- An environmental risk or
- A concealment of any of these.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

There does not have to be proof of the allegations, but there should be a reasonable and genuine belief that the information being disclosed is true. Some allegations may prove to be unfounded but employees will be protected under the Act provided that they are able to show that it was a reasonable belief to hold in the circumstances at the time of the disclosure.

All employees and volunteers, irrespective of their job or seniority, are required not to subject any other employee or volunteer to any detrimental treatment nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, an employee or volunteer who has victimised a colleague may be personally liable for any such victimisation.

Procedure

For a qualifying disclosure to be a protected disclosure, it needs to be made to the right person and in the right way.

1. The employee or volunteer should, make their report of wrongdoing to a named Trustee with responsibility for Whistleblowing or, in their absence, the Chair of the Trustees. If the employee or volunteer prefers, s/he can raise the issue with any of the Directors or CEO.
2. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances.
3. At the conclusion of the investigation, the employee or volunteer will be informed in writing of the outcome and what action, if any, has been taken. Beat is committed to taking appropriate action with respect to all qualifying disclosures which are upheld. This could include reporting the matter to an appropriate external government department, regulatory agency or the police. In these circumstances, Beat may make the referral without discussion or gaining the consent of the employee, trustee or volunteer. If no action is to be taken, the reasons for this will be explained to the employee or volunteer who raised the concern.
4. If, on conclusion of the above stages, the employee or volunteer reasonably believes that appropriate action has not been taken, s/he may then report the matter externally to the proper authority in accordance with the provisions of the Act. The publication 'Blowing the Whistle to a Prescribed Person' sets out a number of prescribed bodies or persons you can disclose to:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf
5. The Government have set up a confidential advice line for anyone who is thinking about blowing the whistle on a charity. The advice line is run by an organisation called Protect and can be contacted on 0800 055 7214. Guidance on how to report a concern to the Charity Commission can be found at <https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer#get-independent-advice>.

Disclosures made to other external sources such as the media are only protected if you believe that the information is substantially true and you do not gain from sharing the information. Unless the matter is 'exceptionally serious' you must have already disclosed it to Beat or to a prescribed person or believe that, if you do, evidence would be destroyed.

Assurance

Beat undertakes to ensure that no employee or volunteer who makes a bona fide report under this procedure will be treated in a detrimental way as a result, in accordance with section 47b of the Employment Rights Act 1996. If any employee or volunteer considers that they are being treated unfairly by anyone within Beat as a result, they must contact the Chief Executive, named Whistleblowing Trustee or Chair of Trustees immediately and action will be taken to protect them from any reprisals.

However, if it becomes clear that the procedure has not been used in good faith (for example maliciously or to pursue a grudge), it may constitute misconduct and lead to disciplinary action.

Your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment.