

WHISTLE BLOWING POLICY

1. INTRODUCTION

- 1.1.1 The Public Interest Disclosure Act 1998, shortened to PIDA, is the law that protects whistle blowers from negative treatment or unfair dismissal. It is part of the Employment Rights Act 1996 (ERA).
- 1.2 PIDA makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern. Raising a whistleblowing concern is also known as a making a '*protected disclosure*' in law.
- 1.3 Whistleblowing rights under PIDA are day one rights. This means that the worker does not need the same two years' service that is needed for other employment rights.

2 AIM

- 2.2 Compaid is committed to the highest standards of quality, probity, openness and accountability, as laid out in its policy documents. Compaid knows that it cannot expect staff and volunteers to practice higher standards than those which the organisation itself applies. If concerns are reported by staff or volunteers, Compaid will take such concerns seriously. If, on investigating those concerns, we find a problem, we will always take whatever action is appropriate in the circumstances. In particular, we will pursue fraud and serious abuse as vigorously as possible through the disciplinary procedure and/or, if necessary, through the courts. Fraud and other potentially criminal activity may also be reported to the police.
- 2.3 The procedure set out in the policy is intended to enable staff and volunteers to make any serious work concern relating to malpractice (whether confidential or not) known to Compaid, to guide managers in responding to the expression of such concerns, and to provide support, re-assurance and protection from reprisals for those who come forward to express such concerns.
- 2.4 This procedure is separate from Compaid's Grievance Procedure. If an employee or volunteer has concerns of a personal nature or concerns relating to employment conditions and the like, these must be dealt with under the Grievance Procedure.
- 2.5 If staff/volunteers are unsure what sort of matters may be covered under this legislation, further information can be obtained via the **Protect** website <https://protect-advice.org.uk> by completing the online contact form or by calling the helpline on 020 3117 2520.
- 2.6 It is Compaid's aim to:
 - encourage and empower colleagues to speak up and report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - provide colleagues with guidance as to how to raise those concerns.
 - reassure colleagues that they will be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
 - encourage a culture of openness.
 - ensure compliance Compaid with the relevant legislation.

3. SCOPE

- 3.1 This policy applies to all Compaid personnel (including trustees, employees, volunteers, contractors, agency workers, casual workers, consultants and trainees) no matter which team they work in or which location.
- 3.2 It relates to actions by such personnel as well as any concerns a colleague may have with one of Compaid's clients, suppliers or any other third parties with which Compaid interacts or does business.
- 3.3 This is not a policy to be used in order to question Compaid's financial decisions or business strategy, nor should it be used to raise matters which would normally be considered under an HR grievance procedure (for example harassment, bullying or discrimination) or are already the subject of a disciplinary procedure. The below sets out in more detail what type of behaviour this policy covers and what should be reported pursuant to this policy.

4. CONSULTATION, TRAINING AND INFORMATION

- 4.1 Compaid will endeavour via its induction, supervision and training arrangements to make sure that staff/volunteers know what is expected of them and what practices are regarded as unacceptable. Staff/volunteers should study organisational policies carefully, together with any procedures that set out standards of service and behaviour both for staff and volunteers for the whole organisation. If any employee/volunteer is uncertain as to what is expected of him/her or of any other member of staff/volunteer in any given situation, he/she should discuss the matter with his/her line manager.

5. PROCEDURE

5.1. What Type of Misconduct Should Be Reported?

- 5.1.1 As stated above, Compaid wants to hear about such conduct that is unlawful, dishonest or unethical as soon as possible and is committed to addressing it.
- 5.1.2 The list below provides examples of the types of misconduct or behaviour that could give rise to a report; however, it is not an exhaustive list and Compaid encourages all colleagues to report any behaviour or incidents which they have concerns about.
- Criminal activity or offences, including fraud, theft, and embezzlement.
 - Corruption, bribery or blackmail.
 - Financial malpractice, impropriety or mismanagement.
 - Facilitating tax evasion.
 - Failure to comply with any legal or professional obligation or regulatory requirements.
 - Conduct likely to damage Compaid's reputation or financial wellbeing.
 - Actions which endanger the health and safety of Compaid personnel or the public.
 - Actions which cause damage to the environment.
 - The deliberate provision of false information to public officers.
 - A miscarriage of justice.
 - Unauthorised disclosure of confidential information.

- The deliberate concealment of information relating to any of the above matters.
- Any retaliation against someone for speaking up or “whistleblowing”.

5.1.3 Everyone has a responsibility to report any such misconduct or potential misconduct as soon as they become aware of it. If anyone is uncertain whether something is within scope of this policy, it is preferable that any concerns are reported rather than kept to oneself.
+44 (0) 191 516 7720 / www.safecall.co.uk / sales@safecall.co.uk

6. CONFIDENTIAL REPORTING

6.1 Compaid hopes that staff will come forward with any concerns at an early stage and before problems have a chance to become serious. It is important that Compaid’s organisational confidentiality is respected and that, wherever possible, issues are raised internally first with the relevant manager.

6.2 In most cases, staff/volunteers should raise any concerns with their line manager. If for some reason this is not possible, staff/volunteers should speak to the Chief Executive. Staff/volunteers may speak to these people directly and ask for a confidential meeting. All such contacts will be treated in confidence: that means that the identity of the staff member or volunteer reporting the concern will not be disclosed unless Compaid is required to do so – for example by a court or tribunal; if in other circumstances the concern cannot be addressed without revealing the staff member’s or volunteer’s identity, the manager will discuss with them whether and how to proceed.

6.3 Staff/volunteers can also approach **Protect** for confidential and independent advice. **Protect’s** contact details are:

Address: Protect, The Green House, 244-254 Cambridge Heath Road, London E2 9DA

Telephone: Advice Line: 020 3117 2520

Website with online contact form: <https://protect-advice.org.uk/contact-protect-advice-line/>

6.4 Compaid recognises that it is never easy to report a concern, particularly one that may relate to an allegation of fraud, corruption and/or malpractice. If staff/volunteers so wish Compaid is happy for them to be supported by a colleague or a friend when reporting a concern. However, to enable action to be taken as swiftly as possible, staff/volunteers are encouraged to make their report personally rather than through a third party. If anonymous reports are made Compaid will try to consider them by taking into account factors such as the seriousness of the issue raised, its credibility, and the likelihood of confirmation; however, given the obvious difficulties of investigating anonymous concerns, this Policy is geared towards addressing concerns in situations where staff identify themselves.

7. COMPAID’S RESPONSE TO A REPORT

7.1 If a staff member or volunteer reports a concern, Compaid will look into it carefully and thoroughly. Compaid has to maintain a balance between acting on concerns genuinely held by a member of staff or volunteer and ensuring that those alleged to have been involved in malpractice are treated fairly. If someone is potentially being accused of misconduct, Compaid must give that employee/volunteer the opportunity to put forward their side of the story.

- 7.2 If a concern is raised with a line manager who is not the Chief Executive, that line manager must inform the Chief Executive of the nature of the concern in order for investigation to proceed appropriately and to allow for consideration of the need to involve (for example) members of the Trustee Board, or external authorities.
- 7.3 If a concern is raised which relates to the Chief Executive this should be passed to the Chairman of Trustees. The investigative steps are as follows:
- 7.3.1 Full details of the concern must be obtained
 - 7.3.2 The member(s) of staff/ volunteer(s) against whom allegations have been made must be informed as soon as possible, and reminded of their right to be accompanied at any future interview or hearing held under this Policy
 - 7.3.3 Consideration must be given to the need to involve Trustees or external authorities such as (in the case of alleged criminal activity) the Police
 - 7.3.4 The concern must be investigated fully, a judgement made, and action proposed; the content of the investigation, the judgement reached, and the action proposed must be made in a written report to be passed to the Chief Executive or the Chair as appropriate (see above) for endorsement of any action suggested.
- 7.4 Once Compaid has investigated the reported concerns it will take such action as appears to be appropriate; this may include use of the disciplinary procedure and/or reporting the findings of its investigation to an external agency such as the Police. If the member of staff/volunteer who reports the concerns so requests, Compaid will, whenever possible inform them (verbally or in writing if they so wish) of the results of its investigations and of any action proposed; however, such information may need to be withheld if this protects the confidentiality of other staff.
- 7.5 If the staff member who raised the concern is not satisfied that their concern has been properly addressed they have the right to make a written request to the Chair for it to be raised with the Board of Trustees.
- 7.6 If all internal processes have been exhausted and the staff member remains unhappy either that their complaint has not been handled correctly or they are not satisfied with the outcome, Compaid recognises their legal rights to disclose the matter to the appropriate external authorities – in this case, the staff/volunteer are advised to seek advice from Protect.

8. PROTECTION FOR STAFF/VOLUNTEERS REPORTING CONCERNS

- 8.1 Compaid will take all steps, which are responsibly practicable to support concerned staff/volunteers and to protect them from reprisals or victimisation. If a staff member or volunteer come forward with a concern, they can be confident that Compaid will do all it can to ensure that this will not affect their career or enjoyment of their job/role. This applies equally if they come forward with a concern which turns out later not to be justified, provided that the concern was raised in good faith and in the reasonable belief that the matter indicated malpractice or impropriety.
- 8.2 If anyone tries to prevent a member of staff or volunteer from coming forward to express a concern, Compaid may treat this as a disciplinary offence. In the same way, Compaid will deal severely with anyone who criticises or victimises staff/ volunteers who have reported (or are believed to have reported) concerns.

9. ABUSE OF THE REPORTING PROCESS

- 9.1 If a member of staff/volunteer is found to have abused the reporting process, or to have used it in a malicious or vexatious manner, Compaid may treat this as a disciplinary matter.
- 9.2 Such abuse may consist of either the raising of allegations which are known or suspected to be unfounded or which are raised for personal gain, or the regular inappropriate use of the procedure to raise minor issues. It is hoped and expected that such cases of abuse of the procedure will be rare in practice. Compaid reserves the right to refer staff/volunteers to its other policies and procedures should these be more appropriate when a concern is raised.

10. USE AND NON-USE OF THIS POLICY

- 10.1 If staff/volunteers choose not to use the procedure outlined in this Policy they need to be aware that no protection is offered from internal disciplinary procedures or external action. For example: someone who makes a malicious allegation against someone else may find themselves subject to internal disciplinary procedures but also – in extreme circumstances – to legal action from the person against whom the allegation has been made.
- 10.2 Once this Policy is in place, it is reasonable for Compaid to expect staff to use it rather than addressing concerns externally as their first recourse. As it is a fundamental expectation of the employment/volunteer relationship that staff/volunteers will respect the confidentiality of the organisation; staff/volunteers are encouraged to use this Policy to report any concerns relating to malpractice or impropriety and to use it without fear of reprisal.

11. FURTHER INFORMATION

- 11.1 Public Interest Disclosure Act 1998 (PIDA)
- 11.2 Employment Rights Act 1996 (ERA).
- 11.3 Whistleblowing for Employees - <https://www.gov.uk/whistleblowing>
- 11.4 Citizens Advice - <https://www.citizensadvice.org.uk/>
- 11.5 Disciplinary Policy
- 11.6 Grievance Policy

12. POLICY REVIEW

- 12.1 This policy will be reviewed every 3 years and amended as necessary or earlier in accordance with forthcoming legislation.