

Protected Disclosure (Whistleblowing) Policy

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1. Purpose

This policy and procedure outlines how the organisation manages disclosures about specified matters in the public interest (also known as whistleblowing). This is in accordance with the [Public Interest Disclosure Act](#).

2. Audience

This policy and procedure is intended for members of the workforce, service users and stakeholders.

3. Related Documents

- Social media policy
- Safeguarding policy
- Disciplinary policy
- Data protection & Information sharing policy

4. Definitions

For the purposes of this policy and procedure, the following definitions apply:

4.1 The Organisation

'the organisation' refers to The Birchall Trust

5. What is Public Interest Disclosure?

Public interest disclosure (whistleblowing) is not the same as making a complaint or raising a grievance, where the individual is saying that they have personally been poorly treated. An individual making a disclosure is usually not directly or personally affected by the concern and therefore rarely has a direct personal interest in the outcome of any investigation into their concerns.

The concern is about the improper actions or omissions of the workforce or the organisation which may cause harm to others or to the organisation.

This includes:

- 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; or
- concealment of any of the above.

Examples include:

- an employee or volunteer defrauding the organisation;
- the physical or emotional abuse (including all forms of abuse) of children, young people, vulnerable adults or the elderly;
- Sexual abuse of an individual
- anyone making inappropriate use of the organisations resource (e.g. for their own personal use); and
- faulty machinery that puts the safety of employees or service users at risk.

The disclosure should be made 'in good faith', out of real concern about wrongdoing and not knowingly or maliciously making false accusations for ulterior motives. The individual should reasonably believe the information and allegation is substantially true, even if they do not have proof or the information later turns out to have been incorrect.

6. Safeguarding the Disclosure

The organisation will:

- Not allow the individual raising the concern to be victimised for doing so.
- Treat victimisation of whistle blowers in the workforce as a serious matter that may lead to disciplinary action that may include dismissal.
- Not attempt to conceal evidence of poor or unacceptable practice.
- Take disciplinary action if a member of the workforce destroys or conceals evidence of poor or unacceptable practice or misconduct.
- Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise public interest disclosures.
- Liaise with other organisations (see [links below](#)) to whom individuals may report malpractice.
- Members of the workforce who raise a genuine concern under this policy will not be at risk of losing their job, nor will it influence any unrelated disciplinary action or redundancy procedures.
- All disclosures shall be treated 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.
- If a member of the workforce makes malicious or vexatious allegations, and persists with making them, disciplinary action may be taken against that individual.

7. Procedure

7.1 Raising the Concern

Individuals are encouraged to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. It may be necessary for the individual to give evidence in criminal or disciplinary proceedings.

Individuals should raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns.

Members of the workforce should initially take their concerns to their Line Manager. If they do not feel that this is the appropriate person, they should approach the Chief Executive, Chair or a member of the Trustee Board. Individuals outside the organisation should initially take their concerns to the Chair of the Trustee board (contact details can be found on either the [organisation website](#) or the [Charity Commission website](#)).

A member of the workforce may choose to be accompanied or represented by their trade union representative or a colleague at any stage.

7.2 Responding to the Concern

The organisation shall send a written acknowledgement of the concern and collect the details to decide if any action is needed. The individual raising the concern will not have any input into what action is taken.

The concern may be investigated with the assistance of other individuals / bodies where appropriate. If a concern is in relation to the actions of a member of the workforce, they may be suspended from duties until the investigation is completed, in accordance with the organisation policies.

7.3 Outcome

The organisation shall document the concern, action taken and outcome.

The individual raising the concern should be kept informed of the action taken, and, if appropriate, the outcome.

The board (and any relevant bodies) shall be kept informed of the action taken and the outcome.

If the individual raising the concern believes that appropriate action has **not** been taken, they should report the matter to the relevant body. Examples include The Charity Commission, The Health and Safety Executive and The Information Commissioner. The full list of bodies can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

7.4 Investigation Timescales

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

8. Breach of Policy

Any breach of this policy by the workforce could result in disciplinary procedures including dismissal.

9. Links

Further Information can be found:

- The Charity Commission: <https://forms.charitycommission.gov.uk/raising-concerns/>
- Protect (formally Public Concern at Work): <https://protect-advice.org.uk/>
- The Advice, Conciliation and Arbitration Service (ACAS): <https://www.acas.org.uk/>
- The Health & Safety Executive: <http://www.hse.gov.uk/contact/index.htm>
- BACP: <https://www.bacp.co.uk/about-us/protecting-the-public/professional-conduct/>
- NCP: <https://nationalcounsellingsociety.org/have-a-concern/whistleblowing-advice-for-members>

10. Version History

It is recommended that this document is reviewed at minimum every 3 years. However, legal updates may need to be incorporated more frequently.

| Version | Date | Approved by |
|---------|----------------|-------------------|
| 1.0 | September 2021 | Board of Trustees |

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