



## WHISTLEBLOWING POLICY

### 1 INTRODUCTION

Inclusive Exeter has a range of policies and guidance which deal with the standards of behaviour at work including Diversity and Equality, Safeguarding, Grievance, Harassment and Bullying.

Staff and Volunteers are encouraged to use these when appropriate e.g. if you want to raise a personal grievance. However, there may be times when the matter is not about you. For example you may want to raise a concern about a dangerous practice or illegality, which affects people who use our services or when you may suspect there is fraud or corruption within the organisation itself. You are a witness, not a complainant, raising a concern so that others can address it. We will respect and listen to your concerns and appreciate you raising the issue, even if your concerns later prove to be mistaken.

You should be able to raise this concern without fear of reprisal and we encourage you to do so. This is a key way to ensuring the accountability of Management and your own commitment to good practice within the organisation. You do not have to wait for “proof”. We want you to raise the matter as soon as possible.

There is legislation in place to protect you if you “blow the whistle” in your workplace. You can complain to an employment tribunal if you are dismissed or victimised for doing so. See section 4.

### 2. STATEMENT OF INTENT

We will:

- ☐☐ We will take the matter seriously, investigate, make an objective assessment of your concern and will deal with any matters raised in good faith by you.
- ☐☐ We will keep you advised of progress.
- ☐☐ We will ensure that the necessary action is taken to resolve the concern.

☐☐ Deal with separately from the existing grievance procedure although there may be cross-referencing.

### **3. RESPONSIBILITIES**

- A. The Directors will adopt and review the implementation of this policy every two years.
- B. The Chair retains overall responsibility for the implementation and review of this policy.
- C. Line Managers are responsible for the implementation of this policy within their service area.
- D. All staff and volunteers are required to adhere to the policy.

### **4. DO I HAVE LEGAL PROTECTION IF I BLOW THE WHISTLE?**

All paid workers are protected by the Public Interest Disclosure Act 1998. It protects you if you raise concerns about wrongdoing and there is an independent organisation, Public Concern At Work, which has a free confidential helpline that can help you safely and effectively raise a concern. Their website and telephone number is at the end of this document.

There is no legal protection for Volunteers, because there is no employment status. However we are committed to treat volunteers the same way we would treat an employee despite the lack of legal protection.

### **5. HOW TO RAISE YOUR CONCERNS**

You will be making a Disclosure i.e. you reasonably believe one or more of the following matters is either happening now, has taken place in the past, or is likely to happen in the future:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to health or safety of any individual;
- damage to the environment; or
- a deliberate cover up of information tending to show any of the above

**There are three ways you can do this:**

1. **Make a disclosure to Inclusive Exeter.** We encourage you to do this and will protect you from reprisals.
2. **Disclose to a Regulator** e.g. the Health and Safety Executive.
3. **Disclose to other bodies** e.g. the Police, if there is no prescribed Regulator & you believe the evidence is likely to be concealed or destroyed. Or, if concern has already been raised with Inclusive Exeter or a prescribed Regulator. Or, if the concern is of an “exceptionally serious nature”.

### **6. MAKING A DISCLOSURE WITHIN THE ORGANISATION**

Staff and Volunteers can make a disclosure:

☐☐ If you come across malpractice you should immediately raise this with your Line

Manager.

☐☐ If your disclosure is about your Line Manager or above, you should go, to the the Chair of the Board of Directors.

☐☐ You can ask for your concerns to be treated in confidence and this will be respected, as far as is practicable.

☐☐ You will not be penalised for providing this information.

### **How your disclosure will be dealt with**

An investigation will be carried out, under strict confidentiality i.e. by not informing the subject of the complaint until it becomes necessary to do so.

You will be kept informed of the investigation and its outcome.

If there is a case to be answered by any individual the Disciplinary Policy will be used.

If there is no case to answer but you have held a genuine concern you will not be penalised for coming forward.

If you make a maliciously false allegation we will use the Disciplinary Policy.

### **Following the investigation**

☐☐ A meeting will be arranged with you, within one month, to feedback action taken. (This will not include details of any disciplinary action as this must remain confidential to the individual concerned).

☐☐ If you are not satisfied with the outcome of the investigation we recognise your right to make disclosure to a prescribed Regulator e.g. the Health & Safety Executive etc.

## **7. MAKING A DISCLOSURE TO A REGULATOR**

You are encouraged to make a disclosure of information to the following Regulators who have been prescribed by government, if you reasonably believe that you would be victimised if you raised the matter internally. This list is not exhaustive. A complete list can be found at <http://www.pcaw.co.uk>

## **8. MAKING A WIDER DISCLOSURE**

Wider disclosures e.g. to the Police, Media, MP's and non-prescribed Regulators are protected, if, in addition to the tests for Regulatory disclosures, they are reasonable in all the circumstances and they are not made for personal gain.

You must meet a precondition to obtain protection for this wider disclosure. This is either:

a) You believe you would be victimised if you raised the matter internally or with a prescribed Regulator; or

b) there is no prescribed Regulator, and you reasonably believe that the evidence is likely to be concealed or destroyed; or

c) the concern has already been raised with Inclusive Exeter or a prescribed Regulator; or that

d) the concern is of an exceptionally serious nature.

If these provisions have been met and the Tribunal is satisfied that the disclosure was

reasonable, you will be protected. The Tribunal will consider all the circumstances including:

- the identity of the person to whom it was made,
- the seriousness of the concern,
- whether the risk or danger remains,
- and whether the disclosure breached a duty of confidence, which Inclusive Exeter owed to a third party.

Where the concern was raised with Inclusive Exeter or the prescribed Regulator, the Tribunal will also consider the reasonableness of their response.

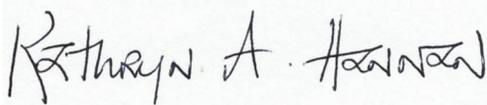
If the concern has been raised by Inclusive Exeter, the Tribunal will consider if the whistle blowing procedure in Inclusive Exeter is, or should be, used.

### **9. ACCESS TO INDEPENDENT ADVICE**

Free confidential independent advice can be obtained from Public Concern at Work. Their contact number is **020 7404 6609** and their web site is: <http://www.pcaw.co.uk>

Date approved: October 2020

Signed:

A handwritten signature in black ink that reads "Kathryn A. Howman". The signature is written in a cursive style with a large initial 'K'.