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| **Author Name****Job Title** | Group Head of HR |
| **Reviewer Name** **Job Title** | Audit Committee |
| **Related Policies and Procedures** | Disciplinary and Capability PolicyPrevention of Harassment at Work PolicyHealth and Safety ManualAnti Fraud and Corruption PolicyFraud Response Plan |



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# Introduction/Policy Statement

1.1 ABC Ltd is committed to the highest standards of quality, probity, openness and accountability. In order to maintain best practice, Senior Officers, including the Chief Executive, and Board Members of the organisation encourage any member of staff with serious concerns about unacceptable practices, such as fraud or abuse being carried out at work to come forward and express them.

1.2 A company’s workforce represents a valuable source of information that can be utilised to identify a potential problem, and deal with it, before it causes significant damage to the company’s reputation. However, it is clear from numerous scandals that all too often employees feel unwilling or unable to report problems. A clear policy regarding whistleblowing ensures that concerns about malpractice can be properly raised and addressed. It will encourage people who otherwise would stay silent to report wrongdoing and feel that it is a proper, safe and acceptable thing to do. This will in turn assist in delivering good management, help to maintain public confidence and promote organisational accountability

1.3 It is therefore important that employees feel that they are able to raise concerns at the earliest opportunity without fear of reprisals or retribution. Employees also need to understand who to approach for advice and who to report concerns to.

# Aims and Objectives

2.1 The aim of this policy is to:

* act as a deterrent to malpractice,
* encourage openness,
* promote transparency,
* underpin the risk management systems
* and help protect the reputation of ABC Ltd.

2.2 The objectives of the policy are to ensure that all employees understand:

* ABC Ltd’s commitment to openness and probity
* The legal protection afforded to whistleblowers
* Who to report concerns to both internally and externally
* Where to go for advice

# Policy Principles and Scope

3.1 ABC Ltd’s Board of Management and senior management team are against any form of impropriety and are committed to the highest standards of probity, openness and accountability. They view the adoption and effective application of this policy as a valuable contribution to ABC Ltd’s efficiency and long term success.

3.2 ABC Ltd will apply the following principles when dealing with allegations and concerns raised through this policy:

* 1. ABC Ltd is committed to act on concerns raised and take them seriously.
	2. ABC Ltd will deal with issues in confidence as far as is practicable.
	3. No action will be taken against people making allegations as long as they have acted in good faith and have a reasonable belief that the person is acting in such as way to damage ABC Ltd’s reputation or integrity or committing an offence.
	4. Harassment or other detrimental treatment by any member of staff or Board Member towards an employee following the submission of a complaint or allegation will be treated extremely seriously and will result in formal disciplinary action.

3.3 The policy is not only restricted to direct employees of ABC Ltd, it also includes trainees, agency staff, contractors, members of partner organisations and volunteers.

# Definitions

**Whistleblower**

A person who raises a concern about a dangerous or illegal act or practice that they become aware of through their work, e.g. health and safety issues, potential environmental problems, fraud or corruption

**Reasonable Belief**

The test for ‘reasonable belief’ focuses on what the worker in question believed, rather than what anyone else would have believed in the circumstances.

**Good Faith**

Acting with honest motives in the public interest i.e not motivated by personal antagonism.

**Qualifying Disclosure**

A qualifying disclosure is one that – in the reasonable belief of the worker making it – tends to show that at least one of the following has occurred, is occurring or is likely to occur:

* + A criminal offence
	+ A failure to comply with a legal obligation
	+ A miscarriage of Justice
	+ The endangerment of health and safety
	+ Damage to the environment
	+ Deliberate concealment of any of the above.

(This is the statutory guidance please also see paragraph 7.2 below for further information regarding the types of incident which ABC Ltd would expect to be reported under this policy)

**Protected Disclosure**

A qualifying disclosure will be a protected disclosure under law where it is made in good faith to the worker’s employer, either directly to the employer or by procedures authorised by the employer for that purpose; or to another person whom the worker reasonably believes to solely or mainly responsible for the relevant failure.

# Terms of Reference

5.1 The Public Interest Disclosure Act 1998 (PIDA) governs Whistleblowing. The PIDA came into force on 2 July 1999. It amends the Employment Rights Act 1996, and protects workers against dismissal or other penalties as a result of making a ‘protected disclosure’

5.2 Section 103A of the Employment Rights Act 1996 makes it automatically unfair to dismiss a worker for making a protected disclosure even if they have less than 12 months’ service.

# Responsibilities

6.1 The Audit Committee have overall responsibility for ensuring that the policy is correctly applied and adhered to. The Audit Committee will review the policy annually to ensure it stays abreast of any changes in legislation and good practice.

6.2 The Group Head of Human Resources is the day-to-day point of contact for any issues relating to this policy. S/he will report any use of the policy to the Chair of the Audit Committee. S/he will outline the methods used to publicise the policy throughout the year as well as providing an update of any changes via the annual review to the committee.

# Other Issues/Concerns

7.1 Paragraph 4 of this policy lists the five types of disclosure that are legally recognised under the Public Information Disclosure Act (1998) as qualifying disclosures, i.e. specifically covered by the legislation. ABC Ltd will also extend protection to employees who report other matters provided that they do so in good faith and have a reasonable belief that their concern is true.

7.2 Examples of issues that ABC Ltd would expect to be reported under this policy include:

* + Abuse or neglect of vulnerable people
	+ Failure to deliver proper standards of service
	+ Damaging personal conflicts at senior levels
	+ Bullying discrimination or harassment (also see separate policy)
	+ Unethical behaviour/breaches of ABC Ltd’s Code of Conduct
	+ Misrepresentation of facts
	+ Breaches of criminal law including bribery, fraud, money laundering and Theft.

7.3 If you are in any doubt please seek advice or raise it confidentially with one of the contacts detailed below.

# Reporting

8.1 If you have a concern in most instances it would be appropriate to raise it with your line manager. If for some reason you do not feel able to do this you should approach:

* + Your Head of Service
	+ Group Head of Human Resources
	+ An Executive or Managing Director
	+ The Chief Executive

8.2 Who you decide to approach will be dependent on the nature of your concern. You can either speak to the person directly, by phone or in writing e.g. by email. Where possible this should include:

 - The specific concern and the reasons for that concern

 - The background and history to the concern including any relevant dates.

 - If the concern has already been raised with anyone else, if so, with whom and if so why the individual remains concerned.

8.3 In the majority of instances one of the internal points of contact listed above should be sufficient. However, should you feel that it would not be appropriate to speak to one of these people you may choose to contact an external agency or person (contact details at Appendix (i)). These might include:

**The Police**

In instances involving a suspected criminal offence, although it would be beneficial if such instances could also be reported internally at the first opportunity, unless to do so would jeopardise police inquiries.

**Chair of the Audit Committee**

Suspected fraud or financial irregularities if it is felt that one of the internal points of contact would be unsuitable e.g. you suspected that they might be involved. This would be the appropriate point of contact in relation to any concerns directly involving the CEO

**Internal Audit**

ABC Ltd’s internal audit function is provided by XYZ. The internal auditors can provide and independent point of contact in cases where staff feel they cannot go through their own line management.

**Regulatory Authority**

Particularly serious cases such as abuse of Public Funds or instances involving senior executives or members of the Board, if it was felt that the internal points of contact would be unsuitable.

* 1. All incidents of alleged fraud must be reported to the Board of Management in accordance with the Fraud Response policy

# Advice

9.1 Protect is an independent charity specifically set up to provide help and guidance for individuals concerned about reporting concerns at work. They operate a helpline run by experienced lawyers to provide independent and confidential advice to employees who are unsure whether or how to raise a Whistleblowing concern.

9.2 If you are unsure whether or how to raise a concern or want confidential advice, you can contact Protect on 020 3117 2520 or at For additional information on Protect and how it might help you, please visit <https://protect-advice.org.uk/contact-us/>

9.3 ABC Ltd also provides an Employee Assistance programme for employees and their dependents and you are entitled to contact 0800 0 99 99 99. This helpline can also provide help and advice for more general concerns to do with work, such as personal grievances. ABC Ltd would like to reassure you that this service is strictly confidential.

# 10. Action from Allegations

10.1 ABC Ltd has a separate procedure that details the procedure to be taken to investigate allegations made against members of staff or Board Members. This can be found in the Disciplinary and Capability Procedure and the Fraud Response Plan.

10.2 Allegations against contractors and other third parties will be investigated by our Internal Auditor and reported to the Board. Legal advice will be sought, when necessary, regarding the suspension of the contract/partnership etc during any investigation.

# 11. Confidentiality

11.1 If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in Court or at a disciplinary hearing), we will discuss with you whether and how we can proceed.

11.2 If you choose not to reveal your identity at all i.e. you remain anonymous, it will be much more difficult for us to look into the matter or to protect your position. We also won’t be able to provide any feedback. Therefore, while we will consider anonymous allegations and reports, this policy is not designed to deal with concerns raised anonymously.

# 12. Feedback

12.1 We will endeavour to provide feedback on the nature of any investigation, the outcome of any subsequent enquiry and as far as possible any remedial action taken or to be taken. However, we may not be able to tell you the precise action that we’ve taken where this would infringe a duty of confidence owed by us to someone else.

# 13. Monitoring and Review

13.1 The combined Code on Corporate Governance (2003) includes a provision that the Audit Committee should review arrangements by which staff of the company may, in confidence, raise concerns about possible improprieties in matters of financial reporting or other matters.

13.2 The Audit Committee’s objective is to ensure that arrangements are in place for the proportionate and independent investigation of such matters and for appropriate follow up action.

13.3 The policy will be reviewed annually.

# 14. Implementation Plan

14.1 It is important that all staff and managers are fully aware of this policy Therefore the policy will be publicised widely via the following methods:

* Formally discussed at the Management Team Meeting
* Included in Staff Handbook available to all staff.
* Article in newsletters to summarise policy and raise awareness
* Covered at Induction Sessions by Group Head of Human Resources
* Discussed periodically at Team Meetings.

**Appendix (i)**

**CONTACT DETAILS**

**Protect**

The Green House
244-254 Cambridge Heath Road
London E2 9DA

Tel: 020 3117 2520

Web <https://protect-advice.org.uk/contact-us/>