

VSGWL POLICY

Whistleblowing

Introduction

VSGWL is committed to the highest standards of openness, probity and accountability. As employees are often the first to realise that there may be something seriously wrong, VSGWL expects those who have serious concerns about any aspect of our work to come forward and speak up without fear of reprisal.

Therefore, we recognise that it is an important aspect of accountability and transparency to provide a mechanism to ensure that no employee, committee/board member or stakeholder of VSGWL feel at a disadvantage in raising legitimate concerns.

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These concerns must be made in the 'public interest' as per the Enterprise and Regulatory Act 2013, in addition if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.

Employers may also be held vicariously liable for workers who victimise colleagues for making a disclosure. VSGWL will take all reasonable steps to protect workers from being victimised.

All employees and volunteers, Board and Stakeholders working for or acting on behalf of VSGWL are covered by this policy. The policy also applies to suppliers and those providing services under a contract within VSGWL.

If you are a customer, member of the public or other service user, you should raise any concerns regarding "Whistleblowing" directly with the Chief Executive, or in writing marked 'Private and Confidential' FAO Alan McCloskey.

Scope of the policy

This policy is designed to enable employees of VSGWL to raise concerns internally and at a high level to disclose information that the individual believes shows malpractice or impropriety. A number of policies are already in place, including dignity at work, and disciplinary and grievance procedures. This policy is intended to cover concerns that are in the public interest and may (at least initially) be investigated separately but may lead to the instigation of other procedures. These concerns might include:

- Financial malpractice, impropriety or fraud;
- Failure to comply with a legal obligation or statutes;
- Dangers to health and safety or the environment;
- Criminal activity involving VSGWL, its staff, board members or stakeholders;
- Professional malpractice;
- Improper conduct or unethical behaviour;
- Failure to meet legal obligations;

- Abuse of power or status; or
- Deliberate attempts to conceal any of the above.

Legal framework

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013

Safeguards

Protection

This policy is designed to offer protection to those employees of VSGWL who disclose such concerns provided the disclosure is made:

- In the public interest:
- To an appropriate person/body: and
- That the individual has reasonable belief in the validity of the concerns being raised.

VSGWL will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the individual when they raise a concern with the above provisions acknowledged.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the individual's identity if they so wish. However, at the appropriate time the individual may need to come forwards as a witness.

Anonymous allegations

this policy encourages individuals to put their names to any disclosure they make. Concerns expressed anonymously are much less robust but may nevertheless be considered at the discretion of VSGWL.

Untrue allegations

if an individual makes an allegation that is not confirmed by the subsequent allegation, it is probable that no action will be taken against them. However, if the individual makes an allegation which is deemed to be made 'in bad faith' i.e. frivolously, maliciously or for personal gain, disciplinary action may be taken against them and this may be up to and including dismissal. It should also be noted that under the provisions of the Enterprise and Regulatory Act 2013, if a disclosure is not made in 'good faith' this will still be considered by an employment tribunal but compensation can be reduced by up to 25% in such circumstances.

Raising a concern

First Step

The individual should raise concerns with their immediate line manager. This information will be passed on as soon as possible to the Chief Executive.

Any complaints will be investigated by the Chief Executive unless the complaint is against the Chief Executive or is in any way related to their actions. Where the complaint is related to the Chief Executive, it should be addressed to the Chair of the Board who will in turn appoint an independent person to investigate the allegations.

Although the individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

The earlier the individual expresses their concern, the easier it is to action. The amount of contact between the persons considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, VSGWL will seek further information from the individual concerned.

Where any meeting is arranged, the individual can be accompanied by a trade union representative and also have the meeting off-site if they so wish.

Process

On receipt of a disclosure the appropriate person will launch an investigation. They will then write to the person who raised the concern as soon as possible to:

- Acknowledge that the concern has been received;
- Indicate how the matter will be dealt with;
- Give an estimate of how long it will take to provide a final response; and
- Supply the individual with information on staff support mechanisms; and inform the individual whether further investigations will take place and if not, explain why.

Depending on the circumstances surrounding the investigation appropriate action will be taken in accordance with VSGWL existing policies and procedures.

Timescales

Once the investigator has completed the investigation it will be given to the individual who instructed the investigation.

Outcome of investigation

Once the investigation has been completed and the report is received by the individual who instructed the investigation, a decision on what action to take will be considered. If there are reasonable grounds to substantiate the complaint, an appropriate procedure will be initiated. This may also include referral to an external body or regulator.

Further sources of information

ACAS

Helpline: 08457 47 47 47

www.acas.org.uk

Public Concern at Work

Tel (general): 0207 404 6609

Date of Adoption	<u>16/8/19</u>
Date of Review	<u>16/8/21</u>
Authorised	<u>D Evans</u>
Title	<u>Chair</u>
Date	<u>16/8/19</u>

