



# Herts Disability Sports Foundation

Registered Charity No. 1156034

## **Whistleblowing Policy**

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# Herts Disability Sports Foundation - Whistleblowing Policy

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## Introduction

All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. Herts Disability Sports Foundation has a duty to identify and take measures to remedy all malpractice particularly with regard to issues of fraud and corruption.

By encouraging a culture of openness within our organisation we believe that we can prevent malpractice before it happens. By promoting a culture of openness we want to encourage you to raise issues which concern you at work. We recognise, however, that you may be worried that by reporting such issues you will be opening yourself up to victimisation, detriment or risking your job security. Such fears are understandable, this policy is therefore designed to provide you with information about the protections offered as well as the process by which you may raise your concerns.

By knowing about malpractice at an early stage we stand a good chance of taking the necessary steps to safeguard the interests of all staff, protect our organisation and stop fraud and corruption before it happens.

The senior management of Herts Disability Sports Foundation believe that victimisation of a whistleblower is not acceptable. Any instances of victimisation will be taken seriously and managed appropriately

In short, do not hesitate to 'speak up' or 'blow the whistle' on malpractice.

## **Policy**

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the charity's work to come forward and voice those concerns.

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We therefore actively encourage all individuals to raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. The senior management is committed to treating all disclosures consistently and fairly. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **Background**

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- 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
- Concealment of any of the above

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. You have no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment or victimised because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

## **Making your claim anonymously or confidentially**

If you choose to make your claim anonymously it may not be possible to take the claim further if you haven't provided all the information needed.

You can give your name but request confidentiality – we will make every effort possible to protect your identity. If it is necessary to share your identity, we will tell you before it happens and explain why.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights. It is only in exceptional circumstances that a worker can go to the media without losing their rights.

## Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Chair of the board of trustees.

## Procedure

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the grievance procedure.

### Stage 1

In the first instance, any concerns should be raised with the Chair of the Board of Trustees, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. If you are invited to an interview you may bring an appropriate colleague with you to the meeting. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained. The Chair of Trustees will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. The Chair of Trustees will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 2

If you are concerned that the Chair of Trustees is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Full Board of Trustees. Do this by contacting the Charity Secretary – they will inform all of the Trustees and make arrangements for an extraordinary meeting. The Full Board of Trustees will arrange for a review of the investigation to be carried out, make any necessary enquiries and make formal conclusions. A Trustee will advise you of the outcome and that the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- the Health and Safety Executive
- the Environment Agency
- the Serious Fraud Office
- the Charity Commission
- the Pensions Regulator
- the Information Commissioner
- the Financial Conduct Authority.

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

You may also wish to contact the whistleblowing charity Public Concern at Work on 020 7404 6609 or Acas.



## If you're treated unfairly after whistleblowing

You can take a case to an [employment tribunal](#) if you've been treated unfairly because you've blown the whistle.

You can get further information from the [Advisory, Conciliation and Arbitration Service \(Acas\)](#), [Citizens' Advice](#), the whistleblowing charity [Public Concern at Work](#) or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify Acas if you want to take your case to an employment tribunal

### Sources:

- Whistleblowing: Guidance for Employers and Code of Practice – Gov.uk
- Whistleblowing for Employees – Gov.uk
- NCVO – example policy – Whistleblowing
- Public Concern at Work – the whistleblowing charity
- The ICO's Whistleblowing Policy and Procedure