

The Old Bath House and Community Centre

Whistleblowing Policy

Introduction:

OBHCC recognises that 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. Individuals should raise any concerns that they may have about the conduct of others in the charity or the way in which the organisation is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Context:

The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures" and include disclosures made by an employee who has a reasonable belief that:

- 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;

is being, has been, or is likely to be, committed. It is not necessary for staff or volunteers to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. Staff and volunteers are not responsible for investigating the matter - it is the charity's responsibility to ensure that an investigation takes place.

If staff or volunteers make a protected disclosure, they have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

OBHCC is committed to supporting and encouraging staff and volunteers to raise their concerns under this procedure in the first instance.

Scope:

This policy applies to all staff, volunteers and anyone working for or on behalf of the OBHCC.

Principles:

OBHCC is committed to ensuring that:

- everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and volunteers should report anything illegal or unethical 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;
- staff or volunteers will not be victimised for raising a matter under this procedure. Continued employment and opportunities for future promotion or training 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 and will be treated under the disciplinary procedure;
- instructions to cover up wrongdoing are treated as a disciplinary offence. If staff or volunteers are told not to raise or pursue any concern, even by a person in authority, they should not agree to remain silent. Staff and volunteers should report the matter to the Chair of Trustees.

Procedure:

This procedure is for “qualifying disclosures” as detailed above, where staff are concerned about illegal or unethical conduct which has/is/may occur. Breaches of contracts of employment should be raised via the Grievance Procedure.

Stage 1:

Staff or volunteers should raise their concerns with the Chair of Trustees, who will investigate the matter. The investigation may involve the staff member or volunteer who raised the concern, and other individuals involved, giving written statements. Statements will be taken into account, and staff and volunteers may be asked to comment on any additional evidence obtained. The Chair of Trustees will take any necessary action, including reporting the matter to the Board of Trustees and any appropriate government department or regulatory agency. The Chair of Trustees will also invoke any disciplinary action required. On conclusion of any investigation, the staff member or volunteer who raised the concern initially 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 staff or volunteers 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 or authority, you should escalate the matter to the Board of Trustees. The Board of Trustees will assign another trustee to arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the Board.

Stage 3:

If on conclusion of stages 1 and 2, the staff member or volunteer reasonably believes that the appropriate action has not been taken, they 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

The full list of Prescribed Persons and Bodies is available in The Public Interest Disclosure (Prescribed Persons) Order 2014:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection:

When an individual makes a disclosure, OBHCC will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.