

6. Employing and managing people

6.16 Whistleblowing policy

Whistleblowing occurs when a worker raises a concern about dangerous or illegal activity that they are aware of through their work, that affects others. In general, workers should be able to make disclosures about wrongdoing to their employer, so that problems can be identified and resolved quickly within organisations, without fear of reprisal.

The provisions introduced by the Public Interest Disclosure Act 1998 protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Employees who are protected by the provisions may make a claim for unfair dismissal if they are dismissed for making a protected disclosure. Workers who are not employees may not claim unfair dismissal; however, if their contract has been terminated by the employer because they made a protected disclosure, they may instead make a complaint that they have been subjected to a detriment.

A clear policy and procedure for raising concerns will help to reduce the risk of concerns being mishandled and to ensure that workers will not experience adverse repercussions for raising cases with their employers.

The following is an example of a Whistleblowing policy, which is provided for guidance only, and should be adapted to suit your own organisation. It should not be regarded as an authoritative statement of the law.

Example policy

<Name of organisation> is committed to the highest standards of openness, probity and accountability. In line with that commitment, *<Name of organisation>* has implemented this policy and procedure to cover the genuine concerns that an employee may have about suspected wrongdoing within the organisation.

In demonstrating this commitment *<Name of organisation>* encourages its employees and workers who have serious concerns about any wrongdoing within the organisation to come forward and express their concerns.

This policy is primarily for concerns where the interests of others or the organisation itself are at risk. Any employee or worker who raises concerns in good faith can do so on a confidential basis without fear of reprisal or victimisation.

1. Background

This Policy reflects the requirement within the Public Interest Disclosure Act 1998 (The 'Act'), which provides protection to individuals who disclose, in good faith, information about alleged wrongdoing at work, providing:

- The information is disclosed in good faith.
- They reasonably believe that the information, and any allegation contained in it to be substantially true.
- The worker does not act maliciously or make false allegations.
- The worker does not act for personal gain.

The 'Act' protects disclosures of information relating to one or more of the following

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

This policy is intended for use with allegations which appears likely to harm the reputation of <Name of organisation>. All other matters should be raised through the appropriate policy.

2. Procedure

Employees wishing to make a disclosure, should do so in the first instance to their line manager. If the disclosure is about the line manager then the disclosure should be made to <insert to whom, ideally a more senior manager>.

<Name of organisation> will not tolerate the harassment or victimisation of anyone raising a genuine concern, however <Name of organisation> recognises that the employee may want to raise a concern in confidence under this policy, and the identity of the employee will not be disclosed without their consent. However, in situations where concerns cannot be resolved without revealing the employee's identify (for instance because their evidence is needed in court) the matter will be discussed with the employee and the matter of how and whether <Name of organisation> can proceed.

3. Investigation

The person to whom the disclosure is made will normally consider the information and decide on the form of investigation. Any investigation will be conducted as sensitively and speedily as reasonably possible. The employee will be notified in writing of the intended timetable for the investigation.

(NB Organisations may wish to include here further details of how investigations will take place, but it is worth remembering that different disclosures may warrant different investigations.)

Further information

ACAS

Tel: 08457 474747

www.acas.org.uk

Charity Commission for England and Wales

CC47 - Investigating Charities

Tel: 0845 3000 218

www.charitycommission.gov.uk

Companies House

Tel: 0870 333 636

www.companies-house.gov.uk

Department for Business, Enterprise and Regulatory Reform (formerly DTI)

Tel: 020 7215 5000

www.berr.gov.uk

Chartered Institute of Personnel and Development

Tel: 020 8612 6200

www.cipd.co.uk

Public Concern at Work

Tel: 020 7404 6609

www.pcaw.co.uk

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For further information contact

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