

FISH Volunteer Centre

WHISTLEBLOWING POLICY AND PROCEDURE

'Whistleblowing' was defined by the Nolan Committee on Standards in Public Life as 'raising concerns about misconduct within an organisation or within an independent structure associated with it'. Since then, legislation has been enacted which deals with whistleblowing, which is classified as a protected disclosure. The Public Interest Disclosure Act (PIDA)1998 amends the Employment Act 1996 and protects employees who make certain types of disclosure, as defined within the legislation, from dismissal or a detriment in their employment.

You have certain common law confidentiality obligations to FISH Volunteer Centre. However, in a limited set of circumstances, the PIDA 1998 may override these obligations if you disclose information about your employment or the work of (Organisation Name).

Any serious concerns you have about any aspect of the service provision of FISH Volunteer Centre or about the conduct of its trustees, employees or volunteers, should be reported using the procedure described below.

Your concerns must relate to something which:

1. Is a breach of FISH Volunteer Centre's Constitution and Policies, **or**
2. Falls below established standards of practice, **or**
3. Amounts to improper conduct, including something you believe may be:
 - A breach of the law
 - A failure to comply with a legal obligation
 - A possible miscarriage of justice
 - A health and safety risk
 - Damaging the environment
 - Misuse of public money
 - Corruption or unethical conduct
 - Abuse of clients or service users
 - Deliberate concealment of any of the above matters
 - Any other substantial and relevant concern

These issues can have arisen in the past, be currently happening, or be likely to happen in the future.

Please note that the PIDA does not protect an employee who, in making a disclosure, would be breaking the law.

Please note:

1. This policy is not intended for people wishing to make complaints or air grievances about their personal treatment within their work for FISH Volunteer Centre. This is covered by a separate policy, which the Manager of FISH Volunteer Centre will make available on request.
2. If the whistleblowing concern relates to the management of a specific vulnerable adult, you should also refer to FISH Volunteer Centre's 'Vulnerable Adult Protection Policy and Procedure' document, available on request from the FISH Volunteer Centre office.

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect your identity if you so wish. Nevertheless, this information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

Where concerns are expressed anonymously, the Manager and Chairman will decide how to proceed. An investigation may be carried out, depending on the nature of the allegations and the evidence/information provided.

Procedure for Whistleblowing within (ORGANISATION NAME)

Step 1

If you wish to raise a concern, normally you should do so initially with the Manager of FISH Volunteer Centre or her Deputy. This can be either in person or in writing.

FISH Volunteer Centre recognises that sometimes it may be inappropriate for you to approach the Manager or her Deputy with your concern. An alternative route would be to approach the Chairman or Vice-Chairman. (If you do not feel that to be appropriate either, please see the section below on whistleblowing outside FISH Volunteer Centre).

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

You may wish to obtain assistance in putting forward your concern from a colleague. You may choose to be represented by a colleague at any meetings that are required.

Step 2

The person with whom you have raised your concern will acknowledge its receipt as soon as possible and will write to you within ten days with the following:

- An indication of how the concern will be dealt with
- An estimate of how long it will take to provide a final response

- Whether any initial enquiries have been made
- Whether further investigations will take place, and if not why not
- Information on employee support services

Step 3

Initial enquiries will be made to decide whether an investigation is appropriate for each case. Where an investigation is necessary, it may take the form of one or more of the following:

- An internal investigation by management
- A referral to the Police
- A referral to the external auditor
- The setting up of an external independent inquiry

Step 4

FISH Volunteer Centre will inform you in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law.

Whistleblowing outside FISH Volunteer Centre

Where concerns are held in relation to malpractice or misconduct by employees or volunteers of FISH Volunteer Centre in relation to its work, but where the issue is not one of personal complaint or grievance, those concerns should, in most circumstances, be raised with the Manager or Chair of FISH Volunteer Centre in the first instance. This provides the whistleblower the greatest degree of protection and FISH Volunteer Centre an early chance to address the concerns. However, there may be some circumstances where the person a) feels at risk of being dismissed, victimised, or not further helped by FISH Volunteer Centre or b) has good reason to think that FISH Volunteer Centre will not take appropriate action in response to the concern. In such cases the provisions of PIDA 1998 protect a person raising concerns outside the workplace provided:

- The disclosure is a reasonable one to make
- The disclosure is made in good faith
- The disclosure is substantially true
- The disclosure is not made for purely personal gain
- The person has good reason to believe that raising the concern within the workplace would lead to victimisation or attempted cover-up, or that the person has already raised the same concern within the workplace and considered the response to have been inadequate

Independent bodies you could approach outside FISH Volunteer Centre include the following:

- The Citizen's Advice Bureau
- The Police

- The Contract Officer, Social and Community Services, Oxfordshire County Council
- The Equal Opportunities Commission
- The Commission for Racial Equality
- Oxfordshire Racial Equality Council
- The Disability Rights Commission
- FISH Volunteer Centre's external examiner of accounts, Melvyn Keen (for financial irregularities)

If there is an issue of an exceptionally serious nature which a) you believe to be substantially true, **and** b) about which you are not making the disclosure for purely personal gain **and** c) in all the circumstances, it is reasonable for you to make the disclosure, then you may disclose the issue to someone other than those listed above.

If you are concerned that the action you wish to take may infringe your duty to FISH Volunteer Centre not to disclose confidential information, you may discuss the issue freely with the charity **Public Concern at Work**, in accordance with the provisions of PIDA 1998. For contact details please see below,

Whistle-blowing do's and don'ts

- Think about the risks and possible outcomes before actions are taken
- When reporting the incident, you are a witness, rather than a complainant (FISH Volunteer Centre has a separate policy for complaints and grievances)
- The 'Public Concern at Work' (PCaW) agency can be contacted for advice (0207) 404 6609
- Do not forget that there may be an innocent or good explanation for the issue about which you are concerned
- Do not become a private detective
- Do not pursue a whistle-blowing procedure to pursue a personal grievance
- Do not expect thanks
- If the reason for reporting a concern relates to the protection of a vulnerable adult, FISH Volunteer Centre has a policy document to which you should also refer.

Timescales

- All records should be made as soon as possible after an event and stored in a safe place
- All concerns relating to a serious criminal offence – e.g. rape and/or sexual assault must be reported as soon as possible.
- All cases in which there is reason to believe that a vulnerable adult is at immediate risk of being a victim of a serious criminal offence or serious harm must be reported immediately.

- All concerns arising as a result of disclosure or allegation must be reported within 3 working days.
- Concerns arising as a result of the accumulation of indicators/signs of abuse should be reported within the normal process of supervision or within 7 days, whichever is the sooner.

Useful Contact Details

Social and Community Services Customer Services Unit Yarnton House,
Rutten Lane, Yarnton OX5 1LP tel. 01865 375515

Public Concern at Work tel. 020 7404 6609 and www.pcaw.demon.co.uk

Review of the Procedure

This policy has been reviewed with reference to the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on Discipline and Grievance Procedures (October 2004) and an impact assessment has been undertaken to take account of the Race Relations (Amendment) Act 2000 and discrimination legislation more generally. Confidential monitoring is undertaken of the procedures in order to gather data to help establish whether the policy is operated in a fair and consistent manner. In undertaking monitoring, FISH Volunteer Centre will not identify individuals.

Approved by the Management Committee of FISH Volunteer Centre on 25th April 2019 to be reviewed in two years.

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