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# 25. Whistleblowing Policy

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Although the term 'whistleblowing' has no legal definition within the UK, it has been used to describe cases where an employee publicly discloses a serious wrongdoing within the organisation.

The Public Interest Disclosure Act of 1998<sup>1</sup> promotes greater openness in the workplace and protects employees from victimisation for whistle-blowing on matters in the public interest.

This policy encourages and enables employees and volunteers to raise serious concerns within the company rather than overlooking a problem or 'blowing the whistle' outside.

## **Our commitment**

Action 21 is committed to openness and accountability. Employees, volunteers and any others that we work with are expected to voice any serious concerns they have about Action 21's work.

## **To whom does the policy apply?**

The policy applies to all Action 21 employees and volunteers, including contractors working for Action 21 on Action 21 premises or projects.

## **Aims of the policy**

- To provide avenues to raise concerns in confidence and receive feedback on any action taken
- To ensure that a response to concerns is provided and that a person is aware of how to pursue them if not satisfied.
- To reassure a person will be protected from possible reprisals or victimisation if he/she has a reasonable belief that disclosure has been made in good faith.

Concerns which could be raised include, *but are not limited to*, the following

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees or volunteers
- Damage to the environment
- Possible fraud, corruption and financial malpractice
- Sexual or physical abuse of volunteers, staff or members of the public
- Other unethical conduct
- Attempts to conceal any of these

NB. Other procedures are available to employees e.g. Grievance Procedure which relates to complaints about their own employment.

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<sup>1</sup> [http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980023\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980023_en_1)

## **Safeguards and victimisation**

Action 21 recognises that the decision to report a concern can be a difficult one to make. If what is being stated is true, there should be nothing to fear because a service is being provided to Action 21 and the community.

Action 21 will not tolerate any harassment or victimisation and will take appropriate action to protect individuals when a concern is raised.

## **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of an individual. At the appropriate time, however, that individual may need to come forward as a witness.

This policy encourages individuals to put their name to their concern whenever possible. Please note that:

- The information must be disclosed in good faith
- It must be substantially true
- Individuals must **not** act maliciously or make false allegations
- Individuals must **not** seek any personal gain.

## **Untrue allegations**

If an allegation is made in good faith, which is not confirmed by subsequent investigation, no action will be taken against the individual raising a concern. In raising a concern, an individual should be careful to ensure the accuracy of the information provided. If a malicious allegation is made, then disciplinary action may be taken.

## **How to raise a concern**

1. If possible, raise the concern initially either verbally or in writing with the General Manager. However, if it is believed that the General Manager is involved, the concern should be raised with the Chair of the Trustees, who will make the Board member responsible for Human Resources aware and also, if appropriate, the Board member responsible for Action 21 Finances.

If an individual wishes to remain anonymous, a written letter may be sent to the General Manager or the Chair of the Trustees. However, it is within the interests of an individual to put his/her name to their concern wherever possible.

2. A written acknowledgement will be provided that a concern has been received.

## **Investigative procedure**

On receipt of the concern, the information will be investigated either by the General Manager or by the Trustees. If the complaint has been made direct to the Chair of Trustees, the Chair has the right to refer the complaint back to the General Manager if they feel that there is no conflict of interest.

If there is any evidence of criminal activity then the persons carrying out the investigation must inform the police. Action 21 will ensure that any internal investigations do not hinder a police investigation.

The investigating person should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating person should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
- The allegations should be fully investigated by the investigating person with the assistance where appropriate, of other individuals/bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating person. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair of Trustees
- The Chair will decide what action to take. If the complaint is shown to be justified, then disciplinary or other appropriate procedures will be followed.
- The individual making the allegation should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the individual is not satisfied with the outcome, Action 21 recognises the lawful rights of employees, ex-employees and volunteers to make disclosures to prescribed persons (such as the Health and Safety Executive, Financial Services Authority, Office of Fair Trading or the utility regulators), or, where justified, elsewhere.

### **Monitoring the policy**

Action 21 will keep confidential records of all matters raised through this policy and the management will regularly assess the effectiveness of the policy.

### **Reporting of outcomes**

A report of all concerns raised and subsequent actions taken will be made by the persons deciding on the issues. Such reports will normally be retained for at least five years. In all cases a report of the outcome will be made to the Trustees, who will refer the report on appropriately if necessary.

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