



## STaSS Whistle Blowing Policy **MAY 2015**

STaSS seeks to conduct its business honestly and with integrity at all times. However, we acknowledge that, from time to time, all organisations face the risk that their activities do not go as originally planned or of unknowingly harbouring malpractice. STaSS believes that we have a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the organisation, we believe we can help prevent such situations occurring.

STaSS expects all employees to operate to the highest standard of conduct and to report any wrongdoing that falls short of these principles. It is the responsibility of all employees, students and volunteers to raise any concerns that they might have about malpractice within the workplace. The aim of this policy is to ensure that our employees are confident that they can raise any matters of genuine concern without fear of reprisals, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and confidentially.

The following guidance sets out the procedure by which staff can report concerns about workplace practices.

### What is Whistle-blowing?

Whistle blowing is the disclosure of information by an employee or worker that relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect employees who blow the whistle on bad practice from being subjected to any detriment or unfairly dismissed as a result.

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. It is therefore hoped that it will not be necessary for employees to alert external organisations. However, in very serious circumstances, or following an internal report that has not been addressed, STaSS recognise that it may be appropriate for you to report your concerns to an external body, such as a regulator.

### Who is covered by the Policy?

You should use this policy if you have a genuine concern that there are reasonable grounds for believing that:

- (a) a criminal offence has been committed, is being committed, or is likely to be committed; or
- (b) a person has failed, is failing, or is likely to fail to comply with their legal obligations; or
- (c) a miscarriage of justice has occurred, is occurring, or is likely to occur; or
- (d) the health and safety of any individual has been, is being, or is likely to be endangered; or
- (e) the environment has been, is being or is likely to be damaged; or
- (f) any of the above are being, or are likely to be, deliberately concealed.

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### Should I disclose?

STaSS value any concerns reported in good faith under this procedure. If you are uncertain whether the matters concerning you, are within the scope of this policy (for example, if you are suspicious but uncertain as to whether the law has been broken, or whether a person is acting outside the scope of their authority), we encourage you to report the concerns to the Executive Director.

STaSS envisage that disclosures are likely to relate to the actions of our employees, students, volunteers or directors but they may also relate to the actions of a third party, such as a client. It may be appropriate for you to raise your concerns directly with the third party where you believe that the malpractice identified relates solely or mainly to their conduct or a matter that is their legal responsibility. However, we would ask that you consult the Executive Director before speaking to the third party.

### How to make a Disclosure

- a) You can raise your concerns with the Executive Director either orally or in writing.
- b) You must state that you are using the Whistle blowing Policy and specify whether you wish your identity to be kept confidential.
- c) You are entitled to be accompanied by a workplace colleague or union representative at any meeting. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

STaSS recognise that disclosures made under this policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure. However, we regret that we cannot guarantee to investigate all anonymous allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback, or ascertain whether your disclosure was made in good faith. It is preferable for whistle-blowers to reveal their identity to your line manager and measures can be taken to preserve confidentiality. STaSS will always endeavour to handle investigations promptly and fairly.

### Investigation of Disclosure

- a) STaSS are committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following your submission of a formal written disclosure, the Executive Director will acknowledge receipt within five working days and make appropriate arrangements for investigation.
- b) If an investigation is considered necessary, we will usually appoint an investigator or investigative team. For example, if the disclosure concerns financial malpractice, a member of the Board of Directors may be asked to investigate. Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety that has been uncovered.
- c) So far as the Executive Director considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for

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confidentiality may prevent us giving you specific details of the investigation or actions taken.

- d) It is not normally appropriate to set a specific timeframe for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.
- e) We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

### Confidentiality

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential.

There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that your role as the whistle-blower could still become apparent to third parties during the course of an investigation.

### Protection and Support

No employee, student volunteers, who raises genuinely held concerns in good faith under this procedure, will be dismissed or subjected to any detriment as a result of such action. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform your line manager immediately. Employees who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatiously, in bad faith or with a view to personal gain, the whistle-blower will be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined in above.

### Recommendations for Change

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigative team to enable the Board of Trustees to

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minimise the risk of the recurrence of any malpractice or impropriety, which has been uncovered.

This policy has been explained to me and I have also read and understood its content. I promise to abide by it during my engagement with STaSS.

Signed \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

### Policy Review

The Director and Board of Trustees are responsible for reviewing this policy annually and ensuring that it is compliant with current legislation and good practice.

**REVIEWED MAY 2015, NEXT SCHEDULED REVIEW MAY 2016**

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