National Survivor User Network

Policy name	**Whistleblowing Policy – Staff and Volunteers**
Operational from	September 2024
Next review date	September 2025
Responsible staff member(s)	Mandy Crandale, Chief Executive Officer mandy.crandale@nsun.org.uk Chair of the Board of Trustees
Associated policies	Finance Policy, Anti Bribery and Fraud Policy
Privacy	Board

NSUN – Whistleblowing Policy – Staff and Volunteers

NSUN is committed to being an open and accountable organisation. An important aspect of transparency and accountability is a mechanism to enable staff and volunteers to voice concerns in a responsible and effective manner.

This policy is designed to enable employees and volunteers of NSUN to raise concerns internally and to disclose information which the individual believes shows malpractice or impropriety.

It is a fundamental term of every contract of employment that an employee will faithfully serve their employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be

done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act 1998 gives legal protection to workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. NSUN has endorsed the provisions set out below so as to ensure that no member of staff or volunteer should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the organisation nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

Scope of this policy

This policy applies to all employees and officers of the organisation, self-employed, volunteers as well as casual and/or agency workers.

Responsibilities

- The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the CEO
- Managers have a crucial role to play in encouraging individuals under their supervision to report any concerns they may have.
- Any individual who has knowledge of, or reasonably suspects, any fraud, theft or other suspicious or unlawful act taking place within NSUN is required to report this using the procedure set out below
- Everyone, irrespective of their job or seniority, is required not to subject any other employee or worker to any detrimental treatment, nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, any individual who has victimised a colleague may be personally liable for any such victimisation.

Possible situations

Although this list is not exhaustive, examples of situations in which it might be appropriate for an individual to report a wrongdoing include:

- a breach, or potential breach, of health and safety legislation
- financial irregularities
- harassment of a colleague, client or other individual
- damage to the environment
- the committing of a criminal offence
- an act of bribery
- breaching any other legal obligation
- deliberate concealment of any of the above.

The above could also be reported if you have reasonable grounds to believe it is likely to happen, as well as it is, or has been happening.

Safeguards

1. Protection

This policy is designed to offer protection to those employees of the charity and volunteers who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it exposes malpractice or impropriety and to the appropriate person (see below).
- it is important to note that no protection from internal disciplinary procedures is offered to those who choose not to follow this procedure. In an extreme case serious allegations could give rise to legal action on the part of the persons about whom the allegation is made.

2. Confidentiality

NSUN will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3. Anonymous Allegations

NSUN encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the CEO &/or Chair.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

4. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if they persist with making them, disciplinary action may be taken against that individual.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of NSUN should be watchful for illegal or unethical conduct and report anything of that nature 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
- No employee or other person working on behalf of NSUN will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker 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 NSUN's disciplinary procedure will be used, in addition to any appropriate external measures
- Maliciously making a false allegation is a disciplinary offence
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Director.

Procedure

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use NSUN's Grievance Procedure.

Stage 1

In the first instance, any concerns should be raised with your manager. If you believe your manager to be involved, or for any reason do not wish to approach your manager, then you should proceed straight to stage 3.

Stage 2

Your manager will arrange an investigation of the matter (either by investigating the matter themselves or immediately passing the issue to someone in a more senior position). The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained. Your manager (or the person who carried out the investigation) will then report to the CEO who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, your manager (or the person who carried out the investigation) will report the matter to the HR Advisers – for advice - and start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the organisation has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 3

If you are concerned that your manager 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, you should escalate the matter to the appropriate person as set out in the Escalation Table at the end of this document. This person will arrange for a review of the investigation to be carried out, make any necessary enquiries and make their own report to the next

person in the Escalation Table. Any approach to the more senior person will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

Stage 4

If on conclusion of stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you are entitled to contact a relevant external body to express their concerns. In doing this, the individual should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a relevant body, and
- have a reasonable belief it is in the public interest to make the disclosure.

The legislation sets out a number of prescribed bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Serious Fraud Office;
- the Charity Commission
- the Care Quality Commission;
- the Children's Commissioner;
- the National Society for the Prevention of Cruelty to Children;
- the Health and Care Professions Council;
- the Homes and Communities Agency;
- the Pensions Regulator;
- the Information Commissioner
- Protect.

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014

https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

Process

On receipt of a complaint of malpractice or impropriety, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice or impropriety will be investigated by the Director unless the complaint is against the CEO or is in any way related to the actions of the

Director. In such cases, the complaint should be passed to the Chair of the Board of Trustees for referral.

- In the case of a complaint, which is in any way connected with, but not against the CEO, the Chair of the Board of Trustees will nominate a manager to act as the alternative investigating officer.

- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair of the Board of Trustees. The Chair has the right to refer the complaint back to management if they feel that the management can more appropriately investigate the complaint without any conflict of interest.

If there is evidence of criminal activity then the investigating officer should inform the Police. NSUN will ensure that any internal investigation does not hinder a formal Police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the Police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant will be made in writing by email and/or sent to their home address.

Contacting the media

The media is not a relevant external body. Individuals should not contact the media with allegations about the organisation, except in extraordinary circumstances where neither the organisation nor the relevant regulatory body would be appropriate.

Protection against detriment

We aim to ensure that no-one who makes a bona fide report under this policy will be subjected to any detriment as a result. If any individual feels that they are being subjected to detrimental treatment, bullying or harassment by any person within the organisation (including their colleagues and co-workers) as a result of the decision to invoke this policy, they must inform the CEO immediately and appropriate action will be taken to protect them from any reprisals.

However, if it should become clear that the policy has been invoked for malicious reasons or to pursue a personal grudge, this will constitute misconduct and will be managed in accordance with our Disciplinary Procedure.

Furthermore, if the individual does not follow the procedure set out above, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. by contacting the media) could result in disciplinary action being taken, which could include dismissal.

Ex-employees and workers

Any protected disclosures made by ex-employees or workers after the termination of their employment/contract will be dealt with under this policy. In such cases, we would normally ask that the individual sets out the details of their concern in writing and we will then respond in writing, having undertaken such investigation as we deem to be appropriate.

Data protection

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

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our Disciplinary Procedure.

Contact

Individuals who have questions or concerns about the whistleblowing policy and/or process, or are not happy with the way the process has been dealt with can also contact the CEO.

Alternatively, individuals can also contact Protect for confidential and independent advice about whistleblowing. Their details are Tel: 020 3117 2520 ¦ Email: whistle@protect-advice.org.uk ¦ Website: https://protect-advice.org.uk/

This is a non-contractual procedure and may be reviewed from time to time