



## **WHISTLE-BLOWING POLICY**

### **Purpose**

The purpose of this policy is to ensure that members of Hack Oldham understand:

- The precise circumstances in which they are entitled to break with the normal requirements of confidentiality by disclosing information in the wider public interest
- The procedure to be followed, and
- The degree of protection from victimisation to which they are entitled under the Public Interest Disclosure Act 1998
- Hack Oldham's commitment on this issue

### **Policy statement**

The Hack Oldham Board of Directors starts from the position that any concerns on matters of public interest (even if they subsequently turn out to be unfounded) are concerns that should be shared by the organisation's managers and Board, and that can be addressed effectively through our internal procedures.

However, it also recognises that organisations can sometimes abuse their power, and that individual workers should and do have the legal right to take their concerns outside the organisation, without fear of victimisation, when acting within the framework set out in this Policy.

This policy is aimed at highlighting the importance in promoting ethical behaviour and ensuring compliance with legal requirements.

We recognize that employees are often the first to realise that there may be something seriously wrong within the organisation. 'Whistle-blowing' is viewed by the Board as a positive act that can make a valuable contribution to Hack Oldham's efficiency and long-term success. It is not disloyal to colleagues or Hack Oldham to speak up. Hack Oldham is committed to achieving the highest possible standards of service and the highest possible ethical standards in all of its practices.

### **Scope of the policy**

This policy applies to all Hack Oldham staff, volunteers and free-lance contractors.

This Whistle-blowing Policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance policy procedures.
- If a client has a concern about services provided to him/her, it should be raised as a complaint using our complaints policy and procedures.

### **Definitions and Legal Framework**

"Whistle-blowing" involves the disclosure of information by an employee or worker that highlights wrongdoing, risk, or malpractice within an organisation.

Whistle-blowing in the workplace is governed by the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998. These provisions place a duty on employers to ensure that employees who whistle blow can raise concerns confidentially and without fear of retribution.

The event complained about may have happened in the past, be ongoing or be, in the whistleblower's opinion, about to happen, but the whistle-blower must have a reasonable belief in what they are saying.

### **Related policies**

- Confidentiality Policy
- Safeguarding Policies (Vulnerable Adults and Children)
- Grievance Policy
- Complaints Policy

## Protection for Whistleblowers

Hack Oldham staff, members, volunteers and free-lance contractors are all protected from disciplinary action or other penalty for breach of confidentiality, provided they make a protected disclosure using a protected route (see below).

Not every concern reported by a worker will count as whistleblowing. Under the ERA 1996, the wrongdoing disclosed must satisfy each of the following criteria:

- a. The complaint must be a **'qualifying disclosure'** that the whistleblower reasonably believes to be substantially true.
- b. The complaint must be made with a reasonable belief that it is **'in the public interest'**.
- c. The complaint must be made to an appropriate or prescribed person or body, such that it is classed as a **'protected disclosure'**.

"In the public interest" means that the matter affects others beyond the individual making the report; personal grievances will not be classed as whistleblowing and should be dealt with according to Hack Oldham's grievance procedures as outlined in our other policies.

## Qualifying disclosures

Disclosures are protected when a worker reasonably believes that one or more of the acts listed below have happened or are likely to happen:

- A criminal offence
- Failure to comply with any legal obligation
- A miscarriage of justice
- Danger to an individual's health or safety
- Damage to the environment, or
- Deliberate concealment of information tending to show any of these

It is irrelevant whether the failure occurred in or outside of the UK.

## **What type of concerns should be reported?**

Any serious concerns that you have about service provision or the conduct of officers or members of Hack Oldham or others acting on behalf of Hack Oldham that:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with the County Council's Constitution and policies;
- fall below established standards of practice; or
- are improper behaviour.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- damage to the environment
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct.

This list is not exhaustive.

## **Protected routes**

Disclosures are protected if they are made using only one or more of the protected routes set out below:

- Hack Oldham's internal procedures (see below for more detail)
- Someone else that the worker believes in good faith to have a legal responsibility for the matter in question
- A prescribed person under the Public Interest Disclosure (Prescribed Persons) Order 1999\_(this list includes the Charity Commission, the Data Protection Registrar, the Environment Agency, the Health and Safety Executive, HMRC)

Other disclosures (e.g. to an MP or the media) are only protected if the worker:

- Makes the disclosure in good faith, and
- Reasonably believes the information disclosed is substantially true; and
- Does not make the disclosure for personal gain, and
- Is acting reasonably in all the circumstances, and
- EITHER reasonably believes that disclosure to Hack Oldham will result in victimisation or loss of evidence OR has already tried the protected disclosure routes without appropriate action being taken

### **Recommended procedure**

Hack Oldham recommends that any worker with concerns on a matter of public interest should, in the first instance, use one of its established problem-solving procedures:

- Grievance Procedure and/or
- Complaints Procedure

If the worker reasonably believes that lower stages of these procedures are not appropriate, they may by-pass these and write directly to the Chair of the Board of Directors, marking their letter PRIVATE and CONFIDENTIAL.

We will protect the identity of the complainant insofar as it is possible to do so whilst carrying out a meaningful investigation, and we would expect the complainant to collaborate in any such investigation. We will treat anonymous allegations as carrying less credibility, although we may still opt to investigate at our own discretion.

We recognise that if a complainant is dissatisfied with the outcome of any internal investigation, they are entitled to use another protected route.

### **Disciplinary issues**

Hack Oldham will support and protect any worker raising legitimate concerns through legitimate routes as set out above.

However, in the event of any worker making a breach of confidentiality that is not protected, Hack Oldham will review all the circumstances (including the impact of the disclosure on service users, funders and fellow-workers) and may consider disciplinary action. Such action will not be taken lightly, and is likely to be reserved for situations where allegations appear to have been made with malicious intent or with reckless disregard for confidentiality or truth.

### **External guidance**

Any worker considering a public interest disclosure may wish to seek advice from the whistle-blowing support charity Protect (020 3117 2520).

### **Review**

This policy will be reviewed by the Board of Directors every three years.

**This policy approved 23/08/24.**