



the brain injury association

Headway North Cumbria

www.headwaynorthcumbria.org.uk

HEADWAY NORTH CUMBRIA WHISTLEBLOWING POLICY

INTRODUCTION

1. Headway North Cumbria is committed to conducting its business in a responsible way and to ensuring that the public interest is safeguarded. This policy outlines what should be done if an individual suspects something at Headway North Cumbria is putting them or others in danger or is illegal or unethical.
2. If anyone involved with Headway North Cumbria has any such concerns, they are encouraged to report them immediately – this is called ‘whistleblowing’. Headway North Cumbria will take your concerns seriously, the complaint will be thoroughly investigated, and individuals can be confident there will be no reprisals.

AIM OF THE POLICY

3. The purpose of this policy is to encourage volunteers and members of Headway North Cumbria to raise legitimate concerns in a responsible way where they believe that there has been some form of malpractice.

SCOPE

4. This policy applies to all members, volunteers, and committee members involved with Headway North Cumbria. All committee members and volunteers to be made aware of and read this policy.

WHAT IS WHISTLEBLOWING?

5. The UK Government’s definition of a whistleblower is as follows¹.

You’re a whistleblower if you’re a worker and you report certain types of wrongdoing. This will usually be something you’ve seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

¹ <https://www.gov.uk/whistleblowing>

As a whistleblower you're protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

6. The types of concerns that might be raised by whistleblowing include:

- any activity that might be criminal;
- any activity that might put health and safety at risk;
- any activity that may damage the environment;
- any activity that might breaches our hospitality and anti-bribery policy;
- any failure to comply with legal or regulatory obligations;
- any failure to meet professional requirements;
- any attempt to conceal one or more of these activities.

GENERAL PRINCIPLES

7. The following general principles apply in respect of raising concerns:

- a. Concerns should only be raised in good faith and should not be raised to further a personal grievance or private dispute (where appropriate, such matters should be dealt with through our Comments, Compliments and Complaints procedure).
- b. Victimising employees who make a disclosure or deterring them from raising a genuine concern about fraud, corruption, malpractice or unethical conduct will constitute a serious disciplinary offence.
- c. Abuse of this procedure by maliciously or mischievously raising unfounded allegations, either internally or externally, will be regarded as a serious disciplinary offence.
- d. Where an allegation is made, the person or persons against whom the allegation is made shall be informed of the allegation and the evidence supporting it and shall be allowed to comment before the investigation is completed.
- e. Any allegation of malpractice shall be treated in the strictest confidence and investigated immediately. The identity of the individual raising the complaint shall not be disclosed to the alleged perpetrator of malpractice without that individual's prior approval, unless this is incompatible with a fair investigation.

- f. Any disclosure made under this policy must be in good faith. If you make an allegation, you must have a reasonable belief that the allegation is true and it must not be made for personal gain.

PROCEDURE

8. If the allegations relate to a matter which you could raise as a complaint you may if you wish raise them as a in accordance with our Comments, Compliments and Complaints procedure. Alternatively, you should follow the procedure below.

- a. This procedure applies to the following allegations:
- (1) that a criminal offence has been, is being, or is likely to be committed;
 - (2) that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject;
 - (3) that a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - (4) that the health and safety of any individual has been, is being, or is likely to be endangered;
 - (5) that the environment has been, is being, or is likely to be damaged;
 - (6) that information tending to show any matter falling within one of the above categories has been, is being, or is likely to be deliberately concealed.
- b. In the first instance, any allegation covered by this procedure should be made in writing to a member of the Committee (normally the Secretary).
- c. A record will be made of receipt of the disclosure and arrangements will be made for an appropriate member of the Committee to investigate.
- d. Once the investigation is completed, the whistleblower will be informed, subject to any third-party rights, of the outcome of the investigation.
- e. If an individual has any concerns or complaints about the manner in which they feel they have been treated because they made a disclosure, whether by the alleged wrongdoer or by any colleagues, this should raised

with a member of the committee and it may be dealt with as a disciplinary matter in relation to such individuals.

f. If dissatisfied with the outcome of the investigation or an individual feels unable to report it in the first instance, disclosure should be made in writing to the Chief Executive, who will investigate the matter and report back to the individual. The decision of the Chief Executive will be final.

CONFIDENTIALITY AND ANONYMITY

9. There is a significant difference between wanting to keep concerns confidential and making a disclosure anonymously. Headway actively discourages anonymous whistleblowing. Concerns raised anonymously are very difficult - and sometimes impossible - to investigate. It may not be possible to properly establish whether allegations are credible without being able to ask for more details or for clarifications, and this makes it hard to reach an informed decision.

10. If an individual does not feel comfortable in reporting a concern openly, they should inform the committee which will do all it can to protect the identity of the person concerned. Headway North Cumbria may want to disclose an identity to people involved in the investigation, but it will always discuss this with the individual making the disclosure first.

HOW WE PROTECT WHISTLEBLOWERS

11. If a genuine concern is raised under this policy, the individual raising the concern will be fully supported even if it has been found through investigation that a mistake has been made or that there has been no breach of policy, legal obligation or other activity set out above. However, if an individual feels that they have been treated badly as a result of raising a concern, they must tell a member of the committee immediately.

12. You can get further advice on whistleblowing, protecting confidentiality, and being protected from reprisals at: <https://protect-advice.org.uk/>. Protect is an independent charity that also offers an advice line (020 3117 2520).

TAKING YOUR CONCERNS OUTSIDE THE CHARITY

13. This policy outlines the process for raising, investigating, and resolving wrongdoing within the workplace. It is rarely necessary – or, from Headway’s point of view, desirable – for anyone outside Headway to become involved when a whistleblowing allegation is made. In some exceptional circumstances, you may need to go to an external body such as an industry regulator.

14. Alerting the media to a concern – particularly before or during an internal investigation – is almost never justified or appropriate in any situation. Individuals are strongly discouraged from doing so and Headway will treat any contact with the press as a serious disciplinary issue justifying dismissal unless exceptional circumstances exist. If you report your concern to the media, in most cases you will lose your whistleblowing law rights.

RELATED HEADWAY NORTH CUMBRIA POLICIES AND PROCEDURES

Comments, Compliments and Complaints Procedure
Confidentiality Policy
Health and Safety Policy
Safeguarding Policy
Volunteer Policy
Whistleblowing Policy