WHISTLEBLOWING POLICY

Whistleblowing is the disclosure of suspected wrongdoing or dangers at work. A 'whistleblower' is a person who raises a genuine concern in the public interest. Whistleblowing concerns usually relate to the conduct of employees, but they may sometimes relate to the actions of a third party, such as a volunteer, partner organisation or supplier or service provider.

The Public Interest Disclosure Act 1998 protects anyone who raises legitimate concerns about specified matters either from being dismissed by the Charity (if they are an employee) or from being subjected to detrimental treatment or victimised by either the Charity or work colleagues as a result, provided certain criteria are met.

The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging anyone to make disclosures about fraud, misconduct, bribery or other wrongdoing to the Charity, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

We will align with the Charity Commission guidance, recognizing the potential links between whistleblowing and safeguarding, serious incident reporting and regulatory escalation.

In line with the charity's values, we actively encourage all concerns to be raised and we commit to treating all concerns respectfully and seriously.

The Charity's policy is to support anyone connected to the charity who raises protected disclosures.

Employees must not victimise, subject to detrimental treatment or retaliate against an employee, worker, agency worker, consultant or contractor who has made a protected disclosure.

People are protected provided they reveal information of the right type (known as a "qualifying disclosure") and they reveal that information to the right person and in the right way (known as making a "protected disclosure").

Qualifying disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which you reasonably believe are made in the public interest and tend to show one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

- a criminal offence, including offences such as theft, fraud or acts of bribery
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate concealment of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

Your belief must be reasonable, but it need not be correct. It might be discovered subsequently that you were, in fact, wrong or mistaken in your belief, but you must be able to show that you held the belief and that it was a reasonable belief to hold in the circumstances at the time of disclosure. Note that it is not your responsibility to investigate the matter. That is the Charity's responsibility.

You must also reasonably believe that your disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal rather than a wider public interest, for example, if you are an employee, a disclosure about a breach of the terms of your own contract of employment which does not affect anyone else.

Protected disclosures

For a qualifying disclosure to be a protected disclosure, you need to make it to the right person and in the right way. There are several methods by which you can make a protected disclosure, but the Charity always encourages all employees, workers, agency workers, consultants and contractors to raise any disclosure internally in the first instance.

You are protected if you make a qualifying disclosure to either:

- the Charity, or
- where you reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the Charity or any other matter for which a person other than the Charity has legal responsibility, to that other person.

You are encouraged to raise any qualifying disclosures that you may have by following the disclosure procedure set out below.

If your concern relates to a breach of your own contract of employment which does not affect anyone else, you should use the Charity's grievance procedure instead as these types of disclosure are not made in the public interest and are therefore not covered by this policy.

The disclosure procedure

This procedure applies to anyone related to the charity including all permanent, fixed

term and temporary employees. In addition, third parties such as consultants and contractors and any others who perform functions in relation to the Charity should use it.

The procedure is as follows:

- If you wish to make a qualifying disclosure, you can report the situation in writing to your line manager (or designated Charity contact if you are a volunteer, consultant or contractor), or you are free to go to an external party immediately, if you feel more appropriate. You should set out in detail the nature of your disclosure. If you do not wish to contact your line manager, you can instead contact an alternative manager or trustee or an external party.
- Internal reporting of whistle-blowing concerns by employees to their line manager are encouraged but individuals have the right to go external at any time. Others, including Trustees, contractors, members and volunteers, should report any such concerns to the CEO (who acts as the Monitoring Officer for whistle-blowing concerns). ~~They should not attempt to deal with any whistle-blowing allegation or suspicion themselves, nor mention the concerns to anyone else outside of the reporting line set out in this policy.~~
- The reporting route depends, however, on the seriousness and sensitivity of the issues involved and on who is suspected of the malpractice. For example, if the allegation is about a line manager, then employee concerns should also be directed to the CEO and if the concern relates to the CEO (or a Trustee), then the whistle-blower should report it to the Chair of Trustees. If the concern relates to the Chair, then the whistle-blower should report to the Vice-Chair."
- Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.
- All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Charity must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The Charity reserves the right to arrange for another manager or trustee to conduct the investigation other than the manager with whom you raised the matter.
- Once the investigation has been completed, you will be informed in writing of the outcome and the Charity's conclusions and decision as soon as possible. The Charity is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
- You will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made with malice.
- We respect the option to report anonymously and will take any allegation seriously but recognising the limitations with investigations of this nature.
- We expect to acknowledge any disclosures with 10 working days, provide regular updates and give an indication of the timeframe for investigation.

Once the Charity's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to you.

If, on conclusion of the above stages, you reasonably believe that appropriate action has not been taken, you may then report the matter externally to the proper authority in accordance with the provisions of the Act. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made and you can access these at: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2.

However, the Charity always encourages all employees, workers, agency workers, consultants and contractors to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

General principles

- be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing. Report anything that you become aware of that is illegal or unlawful
- you will not be victimised, subjected to a detriment or dismissed for raising a protected disclosure under this procedure
- victimisation of an employee, consultant or contractor, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the Charity, is a disciplinary offence and will be dealt with under the Charity's disciplinary procedure. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in your summary dismissal
- be aware that you can also be held personally liable for any act of victimisation or detrimental treatment of an employee or worker on the ground that they made a protected disclosure
- you should immediately draw the attention of your line manager to suspected cases of victimisation or detrimental treatment related to either you or another employee, consultant or contractor having made a protected disclosure
- covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, such as your line manager
- your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment
- finally, maliciously making a false allegation is a disciplinary offence and will be dealt with under the Charity's disciplinary procedure. If you are a third party, such as a consultant or contractor, it could result in your engagement being terminated.

Whistleblowing by members of the public

Unlike disclosures by employees, PIDA (Public Interest Disclosure Act 1998) does not offer legal protection for disclosures made by members of the public. However, the Charity will take reasonable and appropriate action to protect members of the public when they make a disclosure.

The Charity considers that any disclosure made by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees. Once a disclosure from a member of the public has been received by the Charity, it will be handled in the same way as a disclosure made by an employee under PIDA.

You can contact the CEO of the Charity or the Chair of the Board of Trustees by writing to:
Morecambe Bay Partnership, Stricklandgate House, 92 Stricklandgate, Kendal, Cumbria, LA9 4PU
OR
info@morecambebay.org.uk

Next review date	**New name & version number**
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