

# Whistleblowing Policy and Procedure<sup>1</sup>

Change History			
Version	Date	Summary of Change / Reasons	Author(s)
1.0	29/07/19	Initial Version	Zoe Hart
1.1	02/11/23	Reviewed. Change to contact details in 7.2.	Zoe Hart

Referenced Documents	
No.	Reference No. & Title
1	FR-HR-002 Staff Handbook

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## 1 Commitment

The aim of this policy is to enable and encourage employees and former employees to raise genuine concerns about possible wrongdoing at work without fear of reprisal and to reassure staff that matters will be taken seriously and dealt with effectively.

Missing People is committed to fostering a culture which encourages and enables transparency, reporting of concerns, and whistleblowing. Anyone who has a concern, suspicion or uneasiness about the behaviour, practice or performance of anyone else, is encouraged to voice their concern as soon as possible.

The Public Interest Disclosure Act 1998 (commonly known as the 'Whistle Blowing Act') gives staff and former staff legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns.

<sup>1</sup> IMPORTANT NOTE ABOUT DOCUMENT MANAGEMENT: This standalone document is an extract from the Staff Handbook and must be kept synchronised with any changes in the Staff Handbook. If there is any difference, the Staff Handbook takes precedence.

## 2 Whistleblowing

Missing People has comprehensive policies for staff to raise grievances which are outlined in our Staff Handbook. However, if you have serious concerns, if you do not feel your concerns are being taken seriously, if you have exhausted the possibilities of the above policies, or if you have concerns regarding a senior team member (eg, Safeguarding Officer, CEO, Chair of Trustees), we encourage you to voice your concern using the whistleblowing process outlined below.

We recognise that our staff are likely to be the first to notice suspicious behaviour from staff or others working on behalf of the charity, or to recognise that something is wrong. We also recognise that you may feel uncomfortable or reluctant to “blow the whistle” on a friend or colleague (for example, you may worry about the repercussions, disrupting the project, damaging reputations, that you may get it wrong, not be believed, or end up being harassed or victimised). However, for the wellbeing of the people concerned and of the charity as a whole, we encourage you to voice your concern as soon as possible.

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. An instruction to cover up wrongdoing is itself a disciplinary offence.

## 3 Possible reasons for whistleblowing

- to prevent a problem worsening or widening;
- to protect or reduce the risks to other people;
- to prevent becoming implicated yourself.

Certain kinds of disclosures qualify for protection and these are set out below. These are disclosures of information which a member of staff reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future.

- A criminal offence has been committed including offences such as theft, fraud or acts of bribery;
- A person has failed, is failing, or is likely to fail to comply with a legal obligation which they are subject to;
- A miscarriage of justice;
- A danger to health and safety of any individual;
- Damage to the environment;
- Deliberate covering up of information tending to show any of the above matters;
- Fundraising malpractice or data protection failures including misuse of sensitive data;
- Misuse of the Charity's property or funds' and serious breach of the Charity's policies.
- Deliberate attempts to conceal any of the above.

## 4 The difference between a complaint / grievance and blowing the whistle

When someone blows the whistle they are raising a concern about danger or illegality that affects others. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any

investigation into their concern – they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice in the forthcoming investigation. He or she is a messenger raising a concern so that others can address it.

This is very different from a complaint or grievance. When someone complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case in the forthcoming investigation, conducted by the employer.

If misconduct is discovered as a result of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.

For personal complaints or grievances, please use the Grievance Policy and Procedure in the Staff Handbook instead.

## 5 Protection

If you raise a genuine concern, you will not be at risk of damaging your position as a result. Provided you are acting in the public interest it does not matter whether or not your concern proves to be well founded. You must however make your complaint to the right person and in the right way as detailed in this policy. The Charity does not of course extend this assurance to someone who acts from an improper motive and raises a matter they know to be untrue.

## 6 Confidentiality

The Charity will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct will be subject to disciplinary action. However, you may decide that you want to raise a concern in confidence. Therefore, if you ask for your identity to be protected, it will not be disclosed without your consent. If a situation arises where it is not possible to deal with the concern without revealing your identity (for instance because your evidence is needed in court or a disciplinary hearing), there will be a discussion as to whether and how we can proceed. This policy does not cover the situation where information about malpractice is received anonymously; however discretion will be used in the investigation of such information.

## 7 Raising a concern

### 7.1 Stage 1: Internal Line Management

It is everyone's responsibility to report concerning behaviour, but it is not your responsibility to prove the truth of a concern nor to investigate it. If you have a concern, we hope you will feel able to raise it first with your line manager or a more senior manager if you prefer. If possible, put your concerns as soon as possible in writing; outlining the background and history, and providing dates, times, and as many facts as possible (not hearsay). Be specific about what exactly concerns you, what has been heard or what has been observed. You can outline how you would like it to be investigated. If you have a direct or personal interest in the matter, you should also tell us at this stage.

### 7.2 Stage 2: Alternative Contacts

If Stage 1 has not resolved the matter to your satisfaction or if you feel unable to raise the matter with

someone in your line management, for whatever reason, please speak to one of the following:

- Zoe Hart, Director of People, Digital and Organisational Development, [zoe.hart@missingpeople.org.uk](mailto:zoe.hart@missingpeople.org.uk)
- David Stein, Company Secretary [david.stein@missingpeople.org.uk](mailto:david.stein@missingpeople.org.uk)
- Justin McLaren, Chair of Trustees [justin.mclaren@missingpeople.org.uk](mailto:justin.mclaren@missingpeople.org.uk)

If you want to raise the matter in confidence we will ensure that practical measures are put in place to protect your identity. We will contact you by the most secure means. We will not disclose your identity without your consent, unless we are required to do so by law.

Once you have reported your concern, the Charity will look into it to assess initially what action should be taken. If your concern falls more appropriately within other policies we will tell you. A manager will be asked to carry out the investigation.

The disclosure will be treated seriously and promptly investigated and as part of the process the worker will be interviewed and asked to provide a written statement.

Once the Charity has finalised the investigation any necessary action will be taken.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidentiality owed by us to someone else.

## 8 If you are dissatisfied

If you are unhappy with the Charity's response, you may then go to the proper authority e.g. Public Concern at Work, Ofsted, CQC, the Charity Commission or the police. However we do ask that matters are reported to the Charity in the first instance. While we cannot guarantee that we will respond to all matters in the way that you might wish, the matter will be handled fairly and properly. By using this policy, you will help us to achieve this.