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| **Policy Name :** | **Whistleblowing Policy** |
| Date last reviewed: | N/A |
| Approved by: | Jake Furby on behalf of the membership and committee |
| Date: | 07/12/2017 |

**Statement**

York LGBT Forum is committed to being open, honest and accountable. It encourages a free and open culture in its dealings between the Trustees and those working in York LGBT Forum.

Terms of Reference: This document will include the term ‘Workers’ which we mean as: Trustees, Volunteers and Project Coordinators.

**What is Whistleblowing?**

Whistleblowing, or public interest disclosure, is when a worker reports a concern about the improper actions or omissions of their colleagues or their employer which may cause harm to others or to the organisation. Obvious examples of such improper actions include theft, fraud, abuse, breaches of health & safety. The disclosure should be made ‘in good faith’. In other words, the disclosure must be made from real concern about wrongdoing. Knowingly and maliciously making false accusations for ulterior motives is not whistleblowing. The whistleblower should reasonably believe the information and allegation is substantially true, even if the information later turns out to have been incorrect. Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have personally been poorly treated. A whistleblower is usually not directly or personally affected by the concern and therefore rarely has a direct personal interest in the outcome of any investigation into their concerns. The whistleblower raises the concern so that others can address it. Examples of concern may include:

* a worker defrauding the York LGBT Forum;
* the physical or emotional abuse of children, young people, vulnerable adults or the elderly;
* anyone making inappropriate use of York LGBT Forum’s resource (eg: for their own personal use);

**The Purpose**

This policy aims to help the Trustees and the workers to raise any serious concerns they may have about a worker with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. It is written in the context of the Public Interest Disclosure Act 1998 which protects workers who ‘blow the whistle’ on malpractices within their organisation.

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

* a criminal offence
* a failure to comply with any legal obligation
* a failure in the protection of children or vulnerable adults
* a miscarriage of justice
* a health and safety risk to an individual
* damage to the environment
* or concealment of the above.

It is not necessary for individuals who raise the concern to prove the wrongdoing that is alleged to have occurred or is likely to occur. However, if an individual knowingly or maliciously makes an untrue allegation (eg: in order to cause disruption within the York LGBT Forum), York LGBT Forum will take appropriate disciplinary action against them. It may constitute gross misconduct. Individuals should note that they will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence. This policy does not deal with any complaints workers may have about their role. This should be dealt with through York LGBT Forum’s Complaints Procedure. York LGBT Forum’s Equality and Inclusion policy offers protection to workers against harassment, bullying and discrimination.

**Procedure**

The officer designated to handle whistleblowing concerns is Edgar Andrews and shall be known as the Whistleblowing Officer

If the matter concerns the Whistleblowing Officer, it should be raised with the other Trustees. Individuals are encouraged to raise their concerns in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concerns.

If the matter concerns the whole trustee committee, it should be raised with the charity commission. The content of the concern should be in writing where possible, setting out the background and history of their concerns (giving names, dates and places where possible) and indicating the reasons for their concern.

If an individual raises a concern which they believe to be true, York LGBT Forum will take appropriate action to protect the individual from any harassment, victimisation or bullying. Workers who raise a genuine concern under this policy will not be at risk of losing their role, nor will it influence any unrelated disciplinary action. The matter will be treated confidentially if the individual requests it and their name or position will be not be revealed without their permission unless York LGBT Forum has to do so by law. If in other circumstances the concern cannot be resolved without revealing the individual’s identity, the Whistleblowing Officer will discuss with the individual whether and how to proceed.

Concerns raised anonymously tend to be far less effective but the Whistleblowing sOfficer will decide whether or not to consider the matter taking into account:

* the seriousness of the matter;
* whether the concern is believable;
* whether an investigation can be carried out based on the information provided.

How the concern will be dealt with, will depend on what it involves. It is likely that further enquiries and/or investigation will be necessary. The concern may be investigated by York LGBT Forum’s Whistleblowing Officer, the Trustees, through the disciplinary process or it may be referred to the police, or other agencies such as Social Services, an external auditor or an independent investigator.

It may be necessary for the individual to give evidence in criminal or disciplinary proceedings. York LGBT Forum will give the individual feedback on the progress and outcome of any investigation wherever possible.

If the suspicions are not confirmed by an investigation, the matter will be closed. Workers will not be treated or regarded any differently for raising the concern, and their confidentiality will continue to be protected

**Why whistleblowing is good?**

For effective risk management, workers need to be confident that they can raise matters of concern without suffering any detriment. Not dealing with problems early could have a devastating effect on organisations with costly fines, compensation, higher insurance premiums, damaged reputation, regulatory investigation, lost jobs, and even lost lives.

Whistleblowing can be an early warning system for charity committees and an effective policy can provide a clear framework for action for employees and employers alike. Following its public consultation on whistleblowing, the UK Financial Services Authority (FSA) found that: A whistleblowing policy will improve the trust and confidence among workers by creating what one respondent called a "culture of honesty and openness" by encouraging workers to report internally. This was seen as "good for the morale of workers", giving them confidence to come forward with concerns. The Trustees will be the first to know of any issues that they may need to address. These can be dealt with internally. This also means that the costs of investigating any problems, such as fraud, are reduced as problems can be caught quickly.

If workers voice concerns within the organisation rather than being forced to go to an external body, charities management can often tackle a problem before it becomes a crisis, thus helping to avoid potentially damaging media coverage, regulatory sanctions and/or costly compensation payments. A whistleblowing policy can provide a clear framework for constructive problem solving in a reasonable, appropriate and controllable way. Charities should not be expected to prove their case should they have a concern about malpractice. Therefore, an organisation's policy on - and response to - whistleblowing should be different from its policy on and response to a complaint.

The main points to consider within a whistleblowing policy or approach to whistleblowing at work:

* Involve workers by consulting with them, either through a representative where present, through worker groups, or – in smaller organisations – individually, before introducing the policy;
* Discuss the types of risk your organisation may face with your workers;
* Be clear about what conduct is unacceptable and about the standards expected of your workers;
* Encourage workers to share their concerns internally and in confidence – they do not need to have proof or need to investigate the matter themselves;
* Be clear that concerned workers will be supported and protected from reprisals;
* Explain that a whistleblower is a witness, not a complainant;
* Deal with wrongdoing seriously and effectively;
* Train workers on how to deal with whistleblowing;
* If workers feel uncomfortable raising their concern explain that they should then raise it to the Trustees
* Emphasise to Trustees and workers that victimisation is a disciplinary offence as is knowingly raising malicious untrue allegations;
* Offer confidentiality to any worker who asks for it but be clear that there may be circumstances when their identity might have to be revealed such as when you are ordered by a court;
* Report back to the worker(s) about the progress and outcome of any enquiry or action taken;
* Be prepared to explain how you have handled the concern;
* Under no circumstances try to suppress evidence of malpractice.

Next review date

07/12/2019