

Policy: Whistleblowing

This whistleblowing policy provides a mechanism for our people to raise concerns, whilst offering protection from victimisation, harassment or disciplinary proceedings for those who do.

This policy applies to all staff, including those on permanent or fixed term contracts, agency and casual staff and those on work experience, as well as to our trustees, volunteers and supporters.

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1. About this policy

- 1.1 We are committed to conducting our activities with honesty and integrity, and we expect all our staff and volunteers to maintain high standards in accordance with our Staff Handbook and employment policies. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The aims of this policy are:
 - (a) To support our staff and volunteers in situations where they have concerns regarding malpractice or impropriety.
 - (b) To encourage staff and volunteers to report concerns as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (c) To provide staff and volunteers with guidance as to how to raise those concerns.
 - (d) To reassure staff and volunteers that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. What is whistleblowing?

- 2.1 **Whistleblowing** is the disclosure of information that relates to suspected wrongdoing or dangers at work. This may include:
 - (a) improper conduct or unethical behaviour
 - (b) criminal activity;
 - (c) failure to comply with any legal or professional obligation or regulatory requirements;
 - (d) miscarriages of justice;
 - (e) danger to health and safety, including risks to the public as well as other employees;

- (f) damage to the environment;
 - (g) bribery;
 - (h) facilitating tax evasion ;
 - (i) financial fraud or mismanagement;
 - (j) breach of our internal policies and procedures, including our Staff Handbook and Employment Policies;
 - (k) conduct likely to damage our reputation or financial wellbeing;
 - (l) unauthorised disclosure of confidential information;
 - (m) negligence;
 - (n) safeguarding issues;
 - (o) breaches of data protection legislation;
 - (p) breaches of fundraising compliance requirements;
 - (q) breaches of charity law or regulatory guidance; or
 - (r) attempts to conceal any of the above.
- 2.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.
- 2.3 You should not use this policy for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or Dignity at Work (Bullying and Harassment) Policy as appropriate.
- 2.4 If you are uncertain whether something is within the scope of this policy you should seek advice from your line manager or one of our Freedom to Speak Up Guardians, whose contact details are at the end of this policy.

3. Raising a whistleblowing concern

- 3.1 We hope that in most cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. Your line manager may be able to agree a way of resolving your concern quickly and effectively, or they may refer the matter to one of our Freedom to Speak Up Guardians.
- 3.2 Our charity has appointed two Freedom to Speak Up Guardians; one is a Trustee and the other is our Executive Director, People (see the list of contacts below). The role of the Freedom to Speak Up Guardian is to act as

an independent and impartial source of advice to staff and volunteers, at any stage of raising a concern. They have access to anyone in the charity, including the Chief Executive, or if necessary, outside the charity. The Freedom to Speak Up Guardians provide confidential advice and support to ALL staff and volunteers in relation to anything that gets in the way of providing good care to our beneficiaries, or that may affect anyone else who comes into contact with our charity.

- 3.3 If you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, then you may choose to contact either of the Freedom to Speak Up Guardians directly.
- 3.4 If you remain concerned after raising the issue with our Freedom to Speak Up Guardians, you can contact our the Trustee Lead for Whistleblowing, who is also the Chair of the Audit and Risk Committee. You may also contact the Trustee Lead for Whistleblowing if you feel unable to approach your line manager or one of our Freedom to Speak Up Guardians about your concerns. Contact details are set out at the end of this policy.
- 3.5 The role of the Trustee Lead for Whistleblowing is to escalate concerns to the Board if our staff or volunteers feel that these concerns have not been dealt with correctly. The Board will consider whether and how to investigate, and it will decide how the concerns should be addressed and resolved.
- 3.6 The Charity has other policies and reporting mechanisms that may be relevant to a specific concern. If your concern relates to those areas, you may choose not to use the reporting mechanism set out in those policies where appropriate. A whistleblower who reports a concern under those policies will still receive the protection afforded by this Whistleblowing Policy for the disclosure they made. These policies include the following:
 - (a) Accidents: see the Accident Reporting Policy;
 - (b) Fraud: refer to the Anti-Fraud Policy and Fraud Response Plan;
 - (c) Safeguarding: refer to the Safeguarding Policy; and
 - (d) Serious Incidents: refer to the Charity Commission Serious Incidents Policy and the Serious Incidents Policy – Stroke Association's application of NHSE Framework.
- 3.7 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

- 3.8 We will make a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

4. Confidentiality and anonymity

- 4.1 We hope that staff and volunteers will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 4.2 If you report concerns anonymously, we will do our best to investigate them fully. However our inquiries may be limited if we cannot speak directly to the person raising these concerns. This is because proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed, should come forward to the Trustee Lead for Whistleblowing or one of the other contact points listed at the end of this policy, and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

5. Investigation and outcome

- 5.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 5.2 In some cases, we may appoint an investigator or team of investigators including staff and volunteers with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 5.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

- 5.4 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action. However, please be assured that if you have acted honestly and reasonably, it will not matter if you were mistaken about your concern.

6. If you are not satisfied

- 6.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 6.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts listed at the end of this policy. Alternatively, you may contact the Chair of the Board of Trustees or our external auditors. Contact details are set out at the end of this policy.

7. External disclosures

- 7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, you should not find it necessary to alert anyone externally.
- 7.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 7.3 Whistleblowing concerns usually relate to the conduct of our staff or volunteers, but they may sometimes relate to the actions of a third party, such as a service user, beneficiary customer, supplier or service provider. In some circumstances, the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out on page 7 for guidance.
- 7.4 If your concern relates to our fundraising conduct and internal consideration of the issue is not possible, you can contact the Fundraising Regulator or the Independent Fundraising Standards and Adjudication Panel for Scotland. You can find details of how to contact the relevant regulator at www.fundraisingregulator.org.uk and www.goodfundraising.scot.

8. Protection and support for whistleblowers

- 8.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 8.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Trustee Lead for Whistleblowing immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 8.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct, you may be subject to disciplinary action. In some cases, the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

9. Personnel responsible for the policy

- 9.1 The Audit and Risk Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 9.2 The Executive Director, People has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 9.3 The Executive Director, People, in conjunction with the Audit and Risk Committee should review this policy from a legal and operational perspective at least once a year. The policy will also be reviewed by LINK, who represent the employees of our Charity.
- 9.4 All staff and volunteers are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff and volunteers are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Executive Director, People.

10. Contacts

Trustee Lead for Whistleblowing and Chair of Audit and Risk Committee	Hannah Catchpool Trustee Hannah.catchpool@stroke.org.uk
Freedom to Speak Up Guardians	Peter Troy Trustee Peter.troy@stroke.org.uk Chris Rennison Executive Director of People and Organisational Development Chris.rennison@stroke.org.uk Telephone: 0115 871 2473
Chair of the Board of Trustees	Stephen King Chair of Trustees Stephen.king@stroke.org.uk
External auditors	Moore Kingston Smith Stephanie McNamara, senior manager 01727 896000 SMcNamara@mks.co.uk
Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 whistle@pcaw.co.uk Website: www.pcaw.co.uk