



# FACT Public Interest Disclosure Policy

<b>Review Due</b>	Every two-three years		
<b>Revision History</b>			
<b>Version</b>	<b>Summary of changes</b>	<b>Author</b>	<b>Date</b>
1.0	Updated	Nicola Triscott	February 2021
2.0	Updated	Nicola Triscott	April 2021

## **Contents**

- 1. Overview**
- 2. Purpose**
- 3. Scope**
- 4. Possible Situations**
- 5. How to Raise your Concern**
- 6. If you are Dissatisfied**
- 7. Alerting Outside Bodies to a Potential Wrongdoing**
- 8. Contacting the Media**
- 9. Protection Against Detriment**
- 10. Your Confidence**
- 11. Anonymity**

## 1. Overview

Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.

We encourage an open culture in all our dealings with employees, managers and all the people with whom we come into contact. Effective and honest communication is essential if malpractice is to be effectively dealt with. The procedure below provides guidelines to all our employees, casual, temporary or agency staff, trainees, or contractors, who wish to raise concerns in confidence.

The Public Interest Disclosure Act 1998 (commonly known as the 'Whistle Blowing' Act) gives protection to individuals, who make protected disclosures when they reasonably believe it is in the public interest for them to do so.

This Act sets out a framework to promote the responsible and protected disclosure of concerns if the individual reasonably believes:

- that a criminal offence has been committed, is being committed, or is likely to be committed.
- that a person has failed, is failing, or is likely to fail to comply with a legal obligation to which they are subject.
- that a miscarriage of justice has occurred, is occurring, or is likely to occur.
- that the health and safety of an individual has been, is being, or is likely to be endangered.
- that the environment has been, is being, or is likely to be damaged.
- that information tending to show any matter falling within the matters above has been, is being, or is likely to be concealed.

The procedure set out below is not a substitute for the Disciplinary and Grievance policy and is not a channel for employees to raise matters in relation to their terms and conditions of employment. The procedure allows individuals to have their concerns treated in confidence. Anyone who misuses the procedure (for example by maliciously raising a concern they know to be untrue) may be subject to disciplinary action, as may anyone who victimises a colleague by raising a concern through this procedure.

## 2. Purpose

The purpose of this policy is:

- to provide guidance for employees wishing to make a disclosure
- to provide guidance for employees around whistleblowing and what this may include
- to encourage prompt resolution of all issues and concerns

### 3. Scope

This policy applies to all employees of FACT casual, temporary or agency staff, trainees, volunteers, Board trustees, contractors or subsidiary companies.

### 4. Possible Situations

Although this list is not exhaustive, examples of situations in which it might be appropriate for an individual to report a wrongdoing include:

- a breach, or potential breach, of health and safety legislation
- financial irregularities or fraud
- damage to the environment
- the committing of a criminal offence
- an act of bribery
- deliberate concealment of any of the above.

### 5. How to Raise your Concern

#### Stage 1: Internal Line Management

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager or a more senior manager. This may be done orally or in writing. It will help if you state the facts of the matter clearly. 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. If you are writing, remember to give details of how you prefer to be contacted.

#### Stage 2: Alternative Contacts

If you feel unable to raise the matter with someone in your line management, for whatever reason, please speak to another Manager, Department Head, the CEO, or – if felt necessary - a member of the Board of Trustees that you know.

You can email [info@fact.co.uk](mailto:info@fact.co.uk), check the staff handbook, or ask the front desk for the contact details for a specific member of staff or Board member if you don't have them. You can also directly contact the Board of Trustees at [Chair@fact.co.uk](mailto:Chair@fact.co.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, we will look into it to assess initially what action should be taken. You may be asked how you think the matter might best be resolved. If your concern falls more appropriately within other policies, we will tell you.

We will institute the appropriate enquiries and/or investigations. We will:

- tell you who is handling the matter and how you can contact them;
- say whether your further assistance or input may be requested;
- ask if you would like written confirmation of your concern and an outline of how we propose to handle it.

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 may infringe a duty of confidentiality owed by us to someone else.

## **6. If you are Dissatisfied**

If you are unhappy with our response, remember you can go to the other level detailed in this policy. 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.

## **7. Alerting Outside Bodies to a Potential Wrongdoing**

An individual should always, in the first instance, talk to a manager, head or CEO in the organisation, or a trustee of the organisation, about a potential wrongdoing. If the individual is not satisfied with the response, s/he is entitled to contact a relevant external body to express the concerns. In doing this the individual should:

- have a reasonable belief that the allegation is true
- make the disclosure to a relevant body
- have a reasonable belief it is in the public interest to make the disclosure.

A “relevant body” is likely to be a regulatory body (e.g. the Health and Safety Executive, or the Financial Services Authority).

## **8. Contacting the Media**

The media is not a relevant external body. Individuals should not contact the media with allegations about the organisation, except in extraordinary circumstances where neither the organisation nor the relevant regulatory body would be appropriate.

## **9. Protection Against Detriment**

Any individual who makes a protected disclosure or takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment for having raised their concerns, including victimisation by the organisation or by colleagues.

Disclosing information in an inappropriate way (e.g. contacting the media where that is not justified) could result in disciplinary action being taken against the individual, which could include dismissal.

## **10. Your Confidence**

We will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct may be subject to disciplinary action.

## 11. Anonymity

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.