

BATTLE SCARS CIO WHISTLEBLOWING POLICY

Policy information	
Organisation	Battle Scars
Scope of policy	Applies to all services, activities, training and general running of the organisation.
Policy operational date (original)	09/01/2023
Policy prepared by	Jenny Groves – CEO
Date approved by Board	09/01/2023
Reviewed on	-
Reviewed by	-
Amended	-
Policy review date	By 31/01/25 Every 2 years or earlier if required to match up current legislation.
Distributing	This policy will be available on the Battle Scars website. It will be a requirement for all trustees and staff to read the policy after appointment or after its review. A summary of all relevant policies will be included in the volunteer handbook with clear signposting to the full text. Volunteers will be kept up to date with any changes that might affect their role.
Introduction	
Aim of Policy	<ul style="list-style-type: none"> • This policy has been drawn up to give advice to members of staff about the procedure which should be followed when they wish to draw attention to issues of bad practice or other matters which seem to them to be against of interests of the public or Battle Scars or its staff or its volunteers. • Battle Scars recognises that all organisations need to be accountable and to ensure that staff are able to report misconduct or malpractice. • Battle Scars is keen to ensure that all staff are aware that “whistleblowing” is another way to raise serious concerns if the normal forms of communication do not resolve these matters. • Battle Scars and its employees have a duty to ensure that users of its services are respected and treated in a proper manner and that the standards of the services it provides are maintained at the highest possible level. • Battle Scars also has a duty to ensure that resources (finance and staff) paid for from the public purse or any other funds are deployed effectively and efficiently and without waste. • Battle Scars staff and volunteers have a right to be treated with respect by their colleagues, other volunteers, service users and Battle Scars.

<p>What is a “whistleblower”</p>	<ul style="list-style-type: none"> • A whistleblower is a worker who reports certain types of wrongdoing. This will usually be something this person has seen at work – though not always. • The wrongdoing that is disclosed must be in the public interest. This means it must affect others, for example, the general public. • Whistleblowers are protected by law – they should not be treated unfairly or lose their job because they “blow the whistle”. • A concern can be raised at any time about an incident happened in the past, is happening now, or it’s believed will happen in the near future. • Due to whistleblowing law and employee rights, this policy only applies to workers (employees, trainees or agency workers). Volunteers can also use the procedure if they need to report wrongdoing or follow the <i>Battle Scars Complaints and Compliments Policy</i>. Volunteers are not covered by whistleblowing law or have employee rights but are protected under the <i>Battle Scars Equality and Diversity</i> and the <i>Battle Scars Anti-Harassment and Bullying Policies</i>.
<p>Complaints that count as whistleblowing</p>	<p>The worker is protected by law when reporting any of the following:</p> <ul style="list-style-type: none"> • a criminal offence, for example, fraud • someone’s health and safety is in danger • risk or actual damage to the environment • a miscarriage of justice • the charity is breaking the law, for example, does not have the right insurance • they believe someone is covering up wrongdoing
<p>Complaints that do not count as whistleblowing</p>	<p>Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless this particular case is in the public interest. See the <i>Battle Scars Disciplinary and Grievance</i>, the <i>Battle Scars Equality and Diversity</i> and the <i>Battle Scars Anti-Harassment and Bullying Policies</i>.</p>
<p>The procedure</p>	
<p>Principles of disclosing serious concerns</p>	<ul style="list-style-type: none"> • Concerns should initially be raised within the normal line management structure, where possible. If having done this, no action is taken or if the issue cannot be raised with the line manager, then concerns can be raised outside of the normal line management structure. • If the area of concern relates to the CEO, then the Chair or another member of the Board may be approached in writing and addressing the letter to the Chair/Vice-Chair/Secretary of the Board of Trustees marked as ‘confidential’: Battle Scars 18 Alder Hill Avenue Leeds LS6 4JQ • Staff should consider whistleblowing only when the line management and/or Board has been fully informed of the issues but has not made effort in a reasonable timeframe to resolve the concerns.

	<ul style="list-style-type: none"> • Staff will be protected from detriment (including from other colleagues) if they disclose allegations of malpractice to Battle Scars using internal procedures or to a prescribed third party as detailed below. • All staff have responsibility to disclose serious concerns. Failure to do so could be seen as condoning or colluding with bad practice or incidents of abuse and disciplinary action may be taken if it was discovered that this was the case.
What staff should be aware of	<ul style="list-style-type: none"> • Every complaint will be heard and addressed with sensitivity and prompt action will be taken. However, allegations may be inaccurate and determining their accuracy is sometimes difficult. • It is not acceptable to maliciously use the whistleblowing process or to use the process to protest against policies or procedures with which a worker disagrees but offer no significant risk or harm to Battle Scars' service users and others. • This is not an alternative to the <i>Battle Scars Disciplinary and Grievance Policy</i>. • Legal and procedural definitions of what constitutes dangerous and improper practice are often unclear.
Confidentiality	<ul style="list-style-type: none"> • Where a member of staff discloses behaviour/actions as detailed in the <i>Complaints that count as whistleblowing</i> section above, having reasonable belief that raising the allegation(s) is in the public interest, then the constraints of the Confidentiality Policy will not apply. This includes any signed agreement between Battle Scars and its staff, including contracts of employment. • The confidentiality of staff raising concerns will be respected wherever possible.
Grievances	<ul style="list-style-type: none"> • Battle Scars does not expect its staff to have to raise a grievance in order to disclose malpractice or misconduct. • However, where staff chose to use the grievance procedure to highlight a serious concerns as laid out in the <i>Complaints that count as whistleblowing</i> section above, the statutory minimum grievance procedures will apply. • Battle Scars staff who believe they have suffered a detriment as a result of whistleblowing are entitled to seek remedy at an employment tribunal within 3 months of the detriment occurring. • Battle Scars is potentially also vicariously liable for detriment from a colleague if the detriment takes place in the course of this employee's work, irrespective of whether Battle Scars knew about or condoned the actions in question.
Disclosing serious concerns	<ul style="list-style-type: none"> • Matters can be raised orally or in writing (see <i>Principles of disclosing serious concerns</i> section above). Whichever method is chosen, a note should be made as a record for future reference. This note should include what occurred, where and when, and also who the concerns were submitted to and when.

	<ul style="list-style-type: none"> • The issue may be such that it's felt it cannot be raised within the normal management structure. Please see <i>Principles of disclosing serious concerns</i> section above. • The gravity of the issue will influence who is the most appropriate person to raise it with. If the issue is of a very serious nature, for example, concerning mistreatment, abuse of service users, maladministration or an illegal act, you may decide that it is appropriate to contact the CEO or the Chair of the Board of Trustees. • If the matter is raised orally, the person raising it may be requested to make a written statement at a later stage depending on the circumstances. • If the matter is raised in writing, the CEO or a member of the board can be contacted directly using the address in the <i>Principles of disclosing serious concerns</i> section above. This will be opened by the named officer personally who will send an initial response within 10 working days from opening it. Please bear in mind that the letter may need to be forwarded to this officer which will add delays in opening it. Such a response could be sent to a place of the whistleblower's choice, including their home address or via email, if they indicate that this is what they want. • Trade Union members may also wish to contact their Trade Union for assistance or advice. • If dissatisfied with the response, or internal Battle Scars procedures have been exhausted and the concerns are still retained, the person raising the concern has the right to progress it further using the <i>List of prescribed third parties</i> below. • Staff will then have no further recourse to action and any further disclosures about the original area of concern must cease.
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List of prescribed third parties

Protect – free whistleblowing helpline	Contact for advice https://protect-advice.org.uk/
Charity Commission	Reporting serious concerns https://www.gov.uk/complain-about-charity
Health and Safety Executive	https://www.hse.gov.uk/
The Information Commissioner's Office	https://ico.org.uk/

Policy review

Responsibility	It is the responsibility of the CEO to review this policy unless the task has been delegated to an appropriate volunteer or employee before the policy review date.
Procedure	All volunteers and employees can have input in this policy's review via their supervision.
Timing	The review must be completed within a month of the review date.