

What is whistle-blowing?

You're a whistle-blower if you're a worker or member of the Board and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public. The following is ICVA's policy for whistle-blowing.

1. Scope

1.1. This policy applies to all officers and directors of ICVA.

2. Introduction

2.1 Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work.

2.2 The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle-blowing' and we take very seriously any concerns which you may raise under this legislation.

2.3 We therefore encourage officers/directors to be alert to wrongdoing and to inform directors of any concerns. Officers/directors should raise an issue when they are just concerned, rather than wait for proof or investigate the matter themselves.

2.4 This policy gives some information about whistle-blowing to assist officers and directors in deciding whether any proposed action would be protected under the whistle-blowing legislation and sets out the procedure to follow if officers or directors reasonably believe that they have identified such malpractice.

2.5 It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by ICVA nor should it be used to reconsider any matters which have already been addressed under complaint, disciplinary or other procedures.

3. Background information

3.1 The legislation applies to workers/board members who follow the procedures laid down in the legislation (see below) in disclosing specific categories of malpractice relating to one or more of the following actions:

- a) Financial malpractice or impropriety or fraud
- b) A criminal offence
- c) A failure to comply with a legal obligation
- d) A miscarriage of justice
- e) The endangering of an individual's health and safety
- f) Damage to the environment
- g) Deliberate concealment of information relating to any of the above.

4. Are you protected under the whistle blowing legislation?

4.1 In order to benefit from the protection of the legislation, the whistle-blower has to satisfy certain conditions:

- a) Disclosure to the employer will be protected, provided that it is made in good faith and the whistle-blower has a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- b) Disclosure to a regulator (eg Health and Safety Executive, Environment Agency, Charity Commission) will be protected where, in addition, the whistle-blower honestly and reasonably believes that the information and any concern in it are substantially true.
- c) Disclosure to other bodies is protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not made for personal gain.

5. Procedures for making a disclosure

5.1 Officers should inform their line manager immediately if they become aware that any of the specified actions is happening (or has happened or is likely to happen).

5.2 If the concern is about the actions of their line manager, the officer should raise the issue with the Chair of ICVA's board of directors.

5.3 The whistle-blower has the right to bypass the line management structure and take their concern direct to the Chair. The Chair has the right to refer the concern back to management if he/she feels that the management, without any conflict of interest, can more appropriately investigate the matter.

5.4 Whistle-blowing concerns against the Chair should be passed to the Vice Chair who will nominate an appropriate investigating officer or undertake the role of investigating officer themselves.

5.5 If there is evidence of criminal activity then the investigating officer should inform the police. ICVA will ensure that any internal investigation does not hinder a formal police investigation.

5.6 Whistle-blowers can ask for their concerns to be treated in confidence and this will be respected so long as it does not hinder or frustrate any investigation. However, the

investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

5.7 Employees will not be penalised for informing management about any of the specified actions and will be protected from reprisals.

5.8 We encourage you to use the procedure if you are concerned about any wrongdoing at work. If you make a concern in the public interest, which is not confirmed by subsequent investigation, no action will be taken against you. In making a disclosure you should exercise due care to ensure the accuracy of the information. However, if the procedure has not been invoked in the public interest (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to disciplinary action up to and including dismissal or removal from the Board as may be appropriate in the circumstances.

5.8 This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- a. The seriousness of the issues raised
- b. The credibility of the concern
- c. The likelihood of confirming the concern from attributable sources

6. Timescales

6.1 Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how ICVA proposes to deal with the matter
- supplying you with information on staff support mechanisms if appropriate
- advising you whether further investigations will take place and if not, why not

6.2 All responses to the whistle-blower should be in writing and sent to their home address or home email address as requested.

7. Investigating procedure

7.1 The investigating officer, (or director depending on circumstances), should follow these steps:

- a) Full details and clarifications of the concern should be obtained.
- b) The investigating officer should inform the officer/director against whom the whistleblowing concern is made as soon as is practically possible. The officer/director will be informed of their right to be accompanied by a trade

union or other representative at any future interview or hearing held under the provision of these procedures.

- c) The investigating officer should consider the involvement of the police at this stage and should consult with the Chair/nominated director.
- d) The concerns should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- e) A decision regarding the concern and validity of the concern will be made by after the investigation has taken place and been considered by the Chair/nominated director. This decision will be detailed in a written report containing the findings of the investigations and reasons for the decision.
- f) The Chair will decide what action to take. If the whistleblowing concern is shown to be justified, then they will invoke the disciplinary or other appropriate organisational procedures. Should the concern be regarding the Chair, this part of the process will be undertaken by the nominated director.
- g) The whistle-blower should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- h) If appropriate, a copy of the outcomes will be passed to the Board to enable a review of the procedures.

7.2 If the whistle-blower is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair or an alternative director should the concern be regarding the Chair.

7.3 If the investigation finds the concerns unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, ICVA recognises the lawful rights of employees and ex-employees to make disclosures to an appropriate organisation or body (such as the Health and Safety Executive, the Police, or regulators), or, where justified, elsewhere.

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