

Whistleblowing policies

The need for a whistleblowing policy

Working with a number of organisations to improve systems and controls, we have noticed that many of them do not have a whistleblowing procedure for staff. Yet our experience of investigating frauds indicates that these are most often discovered because a staff member “blows the whistle” by telling someone in authority, either inside or outside the organisation. Whistleblowing can apply to a lot of other areas in addition to fraud, such as child protection, different forms of abuse, health and safety, poor employment practice and malpractice in general.

Why have a whistleblowing policy?

Although you may think that staff or volunteers would tell you about malpractice or misconduct, in fact they may feel intimidated, or hang back from making a disclosure through misplaced loyalty. Sometimes, they have told us that they thought the senior managers must know about it and did not care or condoned it. For various reasons, staff with knowledge of malpractice often do not report it, or only report it after many years. A written policy statement from the trustees can make it clear that reports of malpractice are welcome and are, indeed, the duty of every employee and volunteer.

What is a whistleblowing policy?

Guidance on whistleblowing will set out the organisation’s policy in a clear way. It will also provide guidance to staff and volunteers on what they should do if they feel they should report something. It is also helpful if the procedure clarifies the types of events that might trigger whistleblowing and when it is appropriate to report an incident or situation. The document needs to make it clear that any malicious and unfounded reports (“smears”) will be considered for disciplinary action.

Safeguarding the employee

A whistleblowing employee should be protected from disciplinary action, dismissal and bullying. In certain circumstances, this is a requirement of the law under the Public Interest Disclosure Act 1998. No whistleblowing procedure is going to work unless workers can trust the organisation to keep their disclosure confidential.

Who should they disclose matters to?

Charities and voluntary organisations may have an advantage over commercial organisations in this respect, as their structure allows for a governing body of non-executive directors. Trustees are meant to be independent and responsible for the good practice and stewardship of the organisation. It is natural to choose the trustees as the body to whom staff or volunteers report any concerns. However, larger charities may wish to give options of senior

What a whistleblowing procedure should contain:

- A statement that the trustees and managers want people to come forward
- That it is better to report concerns early
- What sorts of concerns might prompt a member of staff or volunteer to blow the whistle
- The organisation’s policy on malicious “smearing”
- Assurance on confidentiality
- Who to report concerns to
- What will happen afterwards
- What the member of staff or volunteer can do if they are not satisfied

management as the first point of reporting. Clearly, a worker needs to be able to go to higher level if it is a senior manager who is the problem.

In addition, the worker may feel that nothing will be done even if they report the matter to the trustees. As a further safeguard, an independent body may be named for situations where the worker feels a serious matter must be reported to an external body. If your organisation is a member of an umbrella group, this may be a role they can fulfil, or there may be some other independent body which is the natural choice.

What happens next?

The guidance should set out clearly what the next steps are after the report has been made. In some cases, it may be necessary to bring in the police. In other situations, disciplinary action may be taken against an employee or a volunteer asked to leave. The person reporting the incident needs to be told what action is being taken without a breach of confidentiality.

Communicating the policy

It is no good passing a policy and adopting a guidance document unless it is made known to all staff and volunteers. It needs to be part of the induction process for new staff and volunteers. For existing staff, you may wish to consider various means of communicating the message. It is probably better to explain why the organisation is adopting a whistleblowing policy – perhaps at a meeting. Otherwise, rumours may start that there has been a terrible incident!

Finally

All charities and organisations in the public domain have to manage their reputation carefully – it is often your most valuable asset. You do not want to find that the only way an employee could tell someone about their concerns was to go to the press with a story, or even to raise it in an employment tribunal. So a whistleblowing procedure may save the charity from more public disasters.

Further information and guidance can be accessed from Public Concern at Work www.pcaw.co.uk