

Shropshire Disability Network Whistleblowing Policy

1. Policy Statement

This policy and procedure set out the procedures for making protected disclosures and recognises the rights of individuals not to be penalised or dismissed for making or attempting to make such disclosures where the disclosure is made lawfully, in good faith and without malice. This policy and procedure apply to all trustees and volunteers.

2. Key Principles

Whistleblowing is a disclosure of information by individuals that relates to danger, fraud, illegal or unethical conduct of either the trustee or volunteer.

For a disclosure to be protected it must be a qualifying disclosure and be made in accordance with the procedure outlined within this policy and procedure.

A qualifying disclosure is a disclosure that is made in good faith as the honest belief of this individual making the disclosure and will tend to show that one or more of the following has occurred:

- a criminal offence has been committed, is being committed or likely to be committed
- a person has failed, is failing or likely to fail to comply with a legal obligation that they are subject to

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- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of any individual has been, is being or likely to be endangered
- the environment has been, is being or likely to be damaged, or
- the information would tend to show that the matter in any preceding paragraph has been, is being or likely to be deliberately concealed.

Individuals wishing to make a disclosure are encouraged to do so internally in the first instance (i.e. to the SDN Trustee Board) before involving an external agency. Where an individual feels unable to make an internal disclosure, they must follow the external disclosure procedure outlined within this policy and procedure.

All disclosures made under this policy and procedure will be thoroughly investigated and appropriate action will be taken.

All disclosures will be handled in a sensitive and confidential manner. Where reasonably practicable the identity of the individual making the disclosure will be kept confidential unless to do so would hinder or frustrate the investigation. Individuals making a disclosure should be aware that the investigation may reveal the source of the disclosure and that they may be required to provide a statement as part of the investigation process.

Where a disclosure reveals evidence of criminal activity SDN reserves the right to report to the police as appropriate.

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3. Procedure

3.1 Internal Disclosure

Trustees or volunteers may make an internal disclosure ideally to the Chair of SDN. Following receipt of a disclosure the Chair, member of the Board of Trustees or suitable external organisation will be appointed to investigate the disclosure.

Trustees and volunteers are expected to fully cooperate with investigations undertaken.

Due to the nature of investigations it is often necessary to hold such meetings at short notice i.e. notice of a meeting may be given on the same day as the meeting. This may be necessary for example to protect others or preserve evidence.

The investigating persons will determine the nature and type of investigation required which may include a reviewing documents, emails or interviewing trustees or volunteers whom allegations have been made against or interviewing potential witnesses for example. The nature of any further investigation including the determination of relevance of evidence and selection of witnesses is entirely at the discretion of the Investigating persons.

If during the investigation, evidence is uncovered which indicates gross misconduct, SDN reserves the right to suspend the trustee or volunteer concerned.

Following the conclusion of an investigation the investigating persons will prepare an investigation report and must make one of the

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following recommendations;

1. The disclosure is not substantiated and therefore no further action will be taken where the disclosure was made in good faith.
2. The disclosure is substantiated, and appropriate action will be taken.

3.2. External Disclosures

External disclosures may be made when the trustee or volunteer feels unable to follow the internal disclosure procedure for one or more of the following reasons:

1. they remain dissatisfied following the outcome of an internal investigation into a disclosure
2. they have reasonable belief that SDN will disregard or conceal a disclosure, or
3. they have reasonable belief they would be treated unfairly or victimised if they made a disclosure.

Where a board member or volunteer wishes to make an external disclosure, they should do so only to a prescribed person or body. As a guiding principle prescribed persons/bodies are typically Ministers of the Crown or Regulatory Bodies, however a full list of prescribed persons/bodies is available at www.gov.uk/whistleblowing .

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3.3. Action after substantiated disclosures

Where, after a thorough investigation, a disclosure is substantiated then SDN will proceed as described within the Code of Conduct.

If a disclosure made in good faith is found to have no substance following a thorough investigation, no disciplinary action will be taken against the individual making the disclosure.

Any trustee or volunteer found to be victimising someone who has made a disclosure may be subject to action under SDN's Code of Conduct.

SDN may consider further action if an individual makes a disclosure that is within any of the following circumstances:

1. shown to be malicious, vexatious and/or frivolous,
2. the allegations are clearly untrue, and/or
3. the individual making the disclosure acted for personal gain

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