



Introduction

Westway Trust takes a zero tolerance approach to any form of malpractice in the workplace and is committed to the highest standards of probity and accountability in ensuring a safe, fair and honest working environment. It is of the utmost importance that any fraud, misconduct or wrongdoing – suspected or actual – in any aspect of the Trust’s business is promptly reported and properly dealt with. The Trust therefore strongly encourages everyone to raise at the earliest opportunity any concerns they may have about the conduct of others in the organisation or the way in which the organisation is run.

This policy sets out the ways in which individuals may raise concerns about such matters and how those concerns will be dealt with. It applies to all staff – whether permanent or fixed-term, full or part-time – trustees, contractors and volunteers. The policy is underpinned by a robust procedure for investigating any concerns raised.

What is whistleblowing?

Whistleblowing is ‘making a disclosure in the public interest’ and occurs when a worker raises a concern about any danger or illegality that affects others. The Public Interest Disclosure Act 1998 provides protection for workers who raise legitimate concerns about specified matters. These are called ‘protected disclosures’. A protected disclosure is one made in the public interest by any member of staff who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to the health and safety of an individual;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be committed. It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief and an ability to demonstrate there are appropriate grounds for concern will be sufficient. The individual has no responsibility for investigating the matter – it is the Trust’s responsibility to ensure that an investigation takes place.

In order to be ‘protected’, a disclosure must also:

- be made in an appropriate way, i.e. through the relevant internal channels rather than, say, to the media;
- not come within legal professional privilege, nor cause a breach of the Official Secrets Act 1989;
- be about actual information relating to wrongdoing rather than an expression of opinion;
- be made in accordance with this policy.

Anyone who makes a protected disclosure has the legal right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made such a disclosure. No one will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the individual will not be prejudiced because he/she has raised a legitimate concern. Victimisation of an employee for raising a protected disclosure will be a disciplinary offence.



Whistleblowing Procedure

If you wish to raise a concern under the Trust's whistleblowing process, the stages are as follows:

Stage 1 - If you have a concern about wrongdoing under any of the categories above, you should raise the matter in confidence with your line manager in the first instance. If you have reasonable grounds for believing your line manager to be involved in the wrongdoing, or if for any other reason you do not wish to approach your line manager about the matter, you should proceed straight to Stage 3 below.

There is no legal requirement for a public interest disclosure to be made in writing. However, in the interests of clarity and avoiding any misunderstandings, it is preferable if it is made in writing. A suggested form for use when making such a disclosure is attached at Appendix 1, although you are free to use another format if preferred – the main thing is to capture all the relevant information underpinning the disclosure.

Stage 2 – Your line manager will investigate the matter or arrange an investigation by passing the issue to someone in a more senior position. The investigation may require the person who made the disclosure and any other relevant individuals to give a written statement and make comments on any additional evidence obtained. Your line manager (or the person who carried out the investigation) will then report to the Executive Team, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, your line manager (or the person who carried out the investigation) will report the matter to the HR Business Partner and start the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the Executive Team has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained to you.

Stage 3 - If you are concerned that your line manager is involved in the wrongdoing, has failed to investigate properly or has failed to report the outcome of the investigations to the Executive Team, you should inform the Joint Chief Executives, who will arrange for another manager to review any investigation already carried out, make any necessary enquiries and make his/her own report to the Executive Team as in stage 2 above. Any approach to the Joint Chief Executives will be treated with the strictest confidence and your identity will not be disclosed without your prior consent. Alternatively you can report the alleged malpractice to the Chair of the Board of Trustees if necessary.

Stage 4 - If on conclusion of the above stages you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper external authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

Time frame for investigations

Westway Trust will act as quickly as possible to ensure that any wrongdoing is dealt with by undertaking a thorough investigation. As the length of the investigation may vary for different concerns and depending on the complexity of the subject matter, it is difficult to set a standard timeframe for the conclusion of all investigations. However, the Trust will carry out the investigation as quickly as is consistent with the needs of a detailed enquiry.



After making a public interest disclosure you will be kept informed of progress and will be given as much feedback as possible. However, it may not always be possible to tell you the precise action being taken if this would infringe a duty of confidence owed to someone else or might impact any legal action.

Other HR issues

If you are in any doubt about the way in which you should raise a concern on a matter of public interest, you should discuss with a member of the Executive Team or bring your concern to the attention of the Head of Policy or the HR Business Partner. The decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. Westway Trust will not tolerate any harassment or victimisation and will take action to protect staff who raise a concern in good faith.

Staff that are already the subject of disciplinary or redundancy procedures will not have their procedures halted or paused as a result of their whistleblowing.

Untrue allegations

Allegations made in good faith but that are not confirmed by the investigation will not result in any action against the whistleblower. If, however, it is established that the allegations were of a malicious nature or simply intended to cause for no valid reason anger, irritation or distress, this will be dealt with under Westway Trust's Disciplinary policy and procedure.

Further Information

The charity [Public Concern at Work](#) provides free independent confidential advice to anyone who has concerns about wrongdoing in the workplace. The charity can be contacted on 020 7404 6609.

<p>Policy Owner: Martin Parker Date Policy Approved: 11 June 2018 Next Review Date: 11 June 2019</p>



Making a Public Interest Disclosure (Whistleblowing)	
<p>This form is intended for use by those working for Westway Trust (including contractors, agency workers and volunteers) who wish to raise an issue about wrongdoing.</p> <p>This form should be used to report wrongdoing within Westway Trust (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you are making an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).</p> <p>If, having read the Whistleblowing policy, you remain unsure about which procedure to use, please consult the Head of Policy or the HR Business Partner for further advice.</p> <p>Once you have submitted this form, Westway Trust’s Whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone you may have implicated below.</p> <p>In certain circumstances, you can request that your concerns be kept anonymous. Where possible, Westway Trust will respect a request for anonymity, but we cannot guarantee that we will be able to do so.</p> <p>This form should be completed and delivered to your line manager (or to the Joint Chief Executives if the disclosure relates to your line manager) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p>	
Formal public interest disclosure (Whistleblowing)	
Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does your public interest disclosure relate to your line manager?	Yes/No
Summary of disclosure:	
<p>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.</p>	



Individuals involved:	
Please provide the names and contact details of any people involved in your concerns, including witnesses.	
Outcome requested:	
Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.	
Declaration:	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.	
Form completed by:	
Signature:	
For completion by Westway Trust:	
Date form received by Westway Trust:	
Name of recipient and job title:	
Signature:	