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Whistleblowing Policy

This is the Whistleblowing Policy for Brighton & Hove Social Welfare and Educational Trust Ltd. This policy was reviewed in March 2023

Signed:

Date:

Director of B&H SWET Ltd (the employer)

Brighton & Hove Social Welfare and Education Trust

Public Interest Disclosure (Whistleblowing) Policy

1. Introduction

- 1.1. Brighton & Hove Social Welfare and Educational Trust is committed to the highest possible standards of openness, integrity and accountability. In line with that commitment, we expect employees and others with serious concerns about any aspect of the organisation's work to come forward and voice those concerns. This policy document makes it clear that staff can do so without fear of reprisals.
- 1.2. Employees are often the first to realise that there may be something seriously wrong within an organisation. However they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to Brighton & Hove Social Welfare and Educational Trust. They may also fear harassment or victimisation. In these circumstances, it may be tempting to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 It is a fundamental principle that an employee should provide loyal service to his/her employer and not disclose confidential information about the employer's business. Nevertheless, where an individual discovers information, which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal.
- 1.4. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the organisation rather than overlooking a problem.

2. Aims and Scope of the Policy

- 2.1. This policy aims to:
 - Provide avenues for staff members to raise concerns and receive feedback on any action taken;
 - Inform them on how to take the matter further if they are dissatisfied with the response, and
 - Reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2. This policy is designed to enable employees of Brighton & Hove Social Welfare and Educational Trust to raise concerns internally and at a high level and to disclose information, which the individual believes, in good faith, shows malpractice or impropriety. This policy is intended to cover concerns, which are in the public interest and may at least initially be investigated separately but might then lead to application of other procedures e.g. Disciplinary.
- 2.3. There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures. These concerns could include:
 - Conduct which is an offence or a breach of the law
 - Failure to comply with a legal obligation
 - Dangers to Health & Safety or the environment
 - Conduct which falls below established standards or practices
 - Improper conduct or unethical behaviour
 - Financial malpractice or impropriety or fraud
 - Attempts to conceal any of above

3. Safeguards

3.1. **Protection** – this policy is designed to offer protection to those employees of Brighton & Hove Social Welfare and Educational Trust who disclose such concerns provided the disclosure is made:

- In good faith
- Shows malpractice or impropriety
- Is made to an appropriate person

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use this protection. In extreme cases malicious or vexatious allegations could give rise to legal action on the part of the person(s) complained about.

3.2. **Confidentiality** – the organisation will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential 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.

3.3. **Anonymous Allegations** – this policy encourages individuals to put their name to any disclosure they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation.

In exercising this discretion, the issues to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

3.4. **False Allegations** – If an individual makes an allegation in good faith, which is not confirmed by subsequent investigations, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of information. If, however, an individual makes malicious or vexatious allegations, and particularly, if he/she persists with making them, disciplinary action may be taken against that individual.

4. Raising a Concern

4.1. For some minor issues (e.g. Personal use of organisation equipment, abuse of time off) staff should normally raise concerns with another member of the staff team. In general, however, the Whistleblowing procedure should be used for potentially more serious and sensitive issues (eg. corruption, malpractice in relation to volunteers/colleagues).

4.2. The first step will be to approach a member of the staff team (who is not the subject of the complaint) or, if the complaint concerns all other members of the staff team, the Management Committee should be informed. Should the complaint be found to be substantiated consideration might be given to referring to an appropriate external body.

4.3. Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can telephone or meet the appropriate member of the staff team or Management Committee. The earlier the concern is expressed, the easier it is to take action.

4.4. Staff members are not expected to prove the truth of an allegation, but they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

4.5. Individuals who are members of a Trade Union or professional association may invite a representative or support person to raise a matter on their behalf.

5. Process

- 5.1. In order to protect individuals and Brighton & Hove Social Welfare and Education Trust, initial enquiries will be made to decide whether an internal investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of other, existing, procedures (eg. Grievance or discrimination issues) will normally be referred for consideration under those procedures.
- 5.2. Some concerns may be resolved by agreed action without the need for further investigation.
- 5.3. Within ten working days of a concern being received, a letter will be written to the complainant:
 - Acknowledging that the concern has been received;
 - Indicating how it proposes to deal with the matter;
 - Giving an initial estimate of how long it will take to provide a final response;
 - Advising them whether further investigation will take place, and if not, why not.
- 5.4. The amount of contact between Brighton & Hove Social Welfare and Educational Trust considering the issues, and the complainant, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.
- 5.5. When any meeting is arranged, staff have the right, if they so wish, to have a support person or professional representative present.
- 5.6. Brighton & Hove Social Welfare and Educational Trust will take steps to minimise any difficulties, which staff may experience as a result of raising a concern. For instance, if staff members are required to give evidence in criminal or disciplinary proceedings, Brighton & Hove Social Welfare and Educational Trust will advise them about the procedure.
- 5.7. Brighton & Hove Social Welfare and Educational Trust accepts that staff members need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, staff will receive information about the outcomes of any investigations within two weeks of those outcomes being known.

6. Alternative methods of taking forward an unresolved complaint

- 6.1. This policy is intended to provide staff with an avenue to raise concerns within Brighton & Hove Social Welfare and Educational Trust. Brighton & Hove Social Welfare and Educational Trust hope this will reassure staff. If an individual feels it is right to take the matter outside this process, the following are possible contact points:
 - The external Auditor
 - Relevant professional bodies or regulatory organisations
 - Individual's solicitor
 - The Police

7. The Responsible Officer

- 7.1. The Management Committee of Brighton & Hove Social Welfare and Educational Trust has overall responsibility for the maintenance and operation of this policy. The Management Committee will maintain a record of concerns raised and the outcomes (in a form which does not endanger confidentiality) and will report as necessary to the any relevant outside bodies.
- 7.2. This Policy will be reviewed every two years.