

**Volunteers: Whistleblowing Policy**

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<b>Date of Equality Impact Assessment</b>	09/12/15
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<b>Author</b>	Jo Karasinski
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<b>Volunteer Training delivered</b>	N/A

The policy on the HWWB website is the only policy that is updated. Please note that it is the individual HWWB staff, board member or volunteer to ensure that they are reading the most current version of this policy. This can be done by checking the version number shown above against the version number of the policy filed here: [www.healthwatchwestberks.org.uk](http://www.healthwatchwestberks.org.uk)

**If required this policy can be supplied in different formats  
Tel: 01635 886 210 or email: [contact@healthwatchwestberks.org.uk](mailto:contact@healthwatchwestberks.org.uk)**

**All personal data collected in relation to this policy will be held in accordance with Data Protection Legislation.**

**Responsibilities**

**1 HWWB Board**

Have overall responsibility for volunteers within HWWB

**2 HWWB Chief Officer (CO)**

HWWB Board have delegated to the HWWB CO the responsibility for developing policies and procedures for volunteering at HWWB and to ensure these are implemented effectively.

### 3 HWWB Staff and volunteers

All HWWB staff and volunteers are required to read and implement the volunteer policies and procedures.

## Volunteers: Whistleblowing Policy

### 1. Policy Statement

This policy and procedure is non-contractual and does not form part of your terms and conditions of employment. Healthwatch West Berkshire reserves the right to amend the policy and procedure and/or apply a different procedure as it considers appropriate.

This policy and procedure sets 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 applies to all board members 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 employer, an employee, board member 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
- 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 CO or member of the HWWB 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 HWWB reserves the right to report to the police as appropriate.

### **3. Procedure**

#### **3.1 Internal Disclosure**

- Board Members or volunteers may make an internal disclosure ideally to the CO or Chair of HWWB.
- Following receipt of a disclosure the CO, member of the Board or suitable external organisation will be appointed to investigate the disclosure.
- Board members and volunteers are expected to fully cooperate with investigations undertaken within this procedure and requests to attend investigation meetings should be considered a reasonable management instruction.
- 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 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 employees, board members 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, HWWB reserves the right to suspend the board or staff member or volunteer concerned.
- following the conclusion of an investigation the investigating persons will prepare an investigation report and must make one of the following recommendations;
  1. The disclosure is not substantiated and therefore no further action will be taken 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 board member 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 the Company 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](http://www.gov.uk/whistleblowing)

### 3.3. Action after substantiated disclosures

- where, after a thorough investigation, a disclosure is substantiated then HWWB 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 staff or board member or volunteer found to be victimising someone who has made a disclosure may be subject to action under HWWB's Volunteer Code of Conduct
- HWWB 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

## Equality Impact Assessment Form

Screening determines whether the policy has any relevance for equality, i.e. is there any impact on one or more of the protected characteristics as defined by the Equality Act 2010. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief Including lack of belief)
- Sex
- Sexual Orientation

1 Name of policy/procedure being assessed:	HWWB - Policies - Volunteers - Whistleblowing
2. Is this a new or existing policy/procedure?	New
3. What is the function of the policy/procedure?	To guide board members and volunteers on the procedures HWWB has in place in respect of Whistleblowing disclosures
4. What is it trying to achieve and why?	Ensure volunteers understand HWWB system for reporting and investigating disclosures
5. Who is intended to benefit and how?	Volunteers - understand how to make a disclosure and the procedure for doing so
6 Is there any potential for differential impact (negative or positive) on any of the protected characteristics?	No
7. Is there any possibility of discriminating unlawfully, directly or indirectly, against people from any protected characteristic?	No
8. Could there be an effect on relations between certain groups?	No
9. Does the policy explicitly involve or focus on a particular equalities group i.e. because they have particular needs?	No
Signed - Signature: Jo Karasinski Name: JO KARASINSKI Position: Development Officer Date:09/12/15	

