

Whistleblowing policy (Template)

Overview

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Whistleblowing occurs when a worker raises a concern about wrongdoing that they are aware of through their work and that affects others. In general, workers should be able to make disclosures about wrongdoing to their employer, so that problems can be identified and resolved quickly within organisations, without fear of reprisal.

This policy applies to employees, volunteers, trustees, contractors, and anyone working on behalf of [NAME OF ORGANISATION]. It covers disclosures made internally, as well as those made externally to prescribed bodies, such as the Charity Commission or the Health and Safety Executive.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law. The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

The provisions introduced by the **Public Interest Disclosure Act 1998**, along with the **Worker Protection Act 2023**, protect whistleblowers, particularly in harassment and discrimination cases. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered.

Employees who are protected by the provisions may make a claim for unfair dismissal if they are dismissed for making a protected disclosure. Workers who are not employees may not claim unfair dismissal; however, if their contract has been terminated by the employer because they made a protected disclosure, they may instead make a complaint that they have been subjected to a detriment.

A clear policy and procedure for raising concerns will help to reduce the risk of concerns being mishandled and to ensure that workers will not experience adverse repercussions for raising concerns with their employers.

Organisations regulated by the Charity Commission are also expected to protect whistleblowers under its Serious Incident Reporting guidance. Trustees have a duty to ensure there are safe internal routes for reporting, and that whistleblowers are not disadvantaged as a result of raising concerns in good faith.

The following is an example of a Whistleblowing policy, which is provided for guidance only, and should be adapted to suit your own organisation. It should not be regarded as an authoritative statement of the law.

Whistleblowing policy

[NAME OF ORGANISATION] is committed to the highest standards of openness, probity and accountability. In line with that commitment, [NAME OF ORGANISATION] has implemented this policy and procedure to cover the genuine concerns that an employee may have about suspected wrongdoing within the organisation.

In demonstrating this commitment [NAME OF ORGANISATION] encourages its employees and workers who have serious concerns about any wrongdoing within the organisation to come forward and express their concerns.

This policy is primarily for concerns where the interests of others or the organisation itself are at risk. Any employee or worker who raises genuine concerns can do so on a confidential basis without fear of reprisal or victimisation.

1. Background

This policy is primarily for concerns where the interests of others or the organisation itself are at risk. Any employee or worker who raises genuine concerns can do so on a confidential basis without fear of reprisal or victimisation.

- They reasonably believe that the information, and any allegation contained in it to be substantially true
- The worker does not act maliciously or make false allegations
- The worker does not act for personal gain

The 'Act' protects disclosures of information relating to one or more of the following:

- A criminal offence such as bribery, corruption, facilitation of tax evasion or fraud
- The breach of a legal or professional obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate covering up of information tending to show any of the above five matters

This policy is intended for use with allegations which appears likely to harm the reputation of [NAME OF ORGANISATION]. All other matters should be raised through the appropriate policy.

2. Procedure

Employees wishing to make a disclosure, should do so in the first instance to their line manager. If the disclosure is about the line manager then the disclosure should be made to [INSERT TO WHOM, IDEALLY A MORE SENIOR MANAGER].

[NAME OF ORGANISATION] will not tolerate the harassment or victimisation of anyone raising a genuine concern and may invoke the disciplinary procedure against those who threaten or retaliate against whistleblowers in any way.

[NAME OF ORGANISATION] recognises that the employee may want to raise a concern in confidence under this policy, and the identity of the employee will not be disclosed without their consent.

Anonymous disclosures can be made; however, they may be more difficult to investigate. [NAME OF ORGANISATION] will respect confidentiality wherever possible and will maintain a secure log of all whistleblowing reports. Where feasible, a digital form or third-party reporting mechanism will be made available.

However, in situations where concerns cannot be resolved without revealing the employee's identify (for instance because their evidence is needed in court) the matter will be discussed with the employee and the matter of how and whether [NAME OF ORGANISATION] can proceed.

3. Investigation

The person to whom the disclosure is made will normally consider the information and decide on the form of investigation. Any investigation will be conducted as sensitively and speedily as reasonably possible. The

employee will be notified in writing of the intended timetable for the investigation.

(NB: Organisations may wish to include here further details of how investigations will take place, but it is worth remembering that different disclosures may warrant different investigations. Organisations may also choose to allow whistleblowers to be accompanied at investigation meetings, but this is not a legal entitlement.)

4. External disclosure

If an individual is not satisfied with the outcome of an internal investigation or believes the matter is too serious to raise internally, they may make a protected disclosure to an appropriate prescribed body. For example:

- The Charity Commission for concerns about misuse of charity funds, safeguarding, or governance failure
- Protect UK (www.protect-advice.org.uk) for independent legal advice on whistleblowing
- The Health and Safety Executive for health and safety concerns
- The Information Commissioner's Office (ICO) for data protection breaches

Before raising concerns externally, we encourage staff to seek confidential advice from Protect UK or a union representative.

Further information

Whistleblowing: Guidance for Employers and Code of Practice (UK Government, updated 2023)

UK Government

<https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

The Whistleblowing Charity

Protect

www.protect-advice.org.uk/

Report Serious Wrongdoing at a Charity as a Charity Worker or Volunteer

Charity Commission

<https://www.gov.uk/guidance/report-serious-wrongdoing-at-a-charity-as-a-worker-or-volunteer>

Disclaimer



Third Sector Support Wales is a network of support organisations for the whole of the third sector in Wales.

It consists of the 19 local and regional support bodies across Wales, the County Voluntary Councils (CVCs) and the national support body, Wales Council for Voluntary Action (WCVA).

For further information contact

<https://thirdsectorsupport.wales/contact/>

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.