



Wales **Co-operative** Centre  
Canolfan **Cydweithredol** Cymru

# Whistleblowing (Public Interest Disclosure) Policy

Version: 3.5

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The Wales Co-operative Development and Training Centre Limited (trading as the Wales Co-operative Centre) is a registered society under the Co-operative and Community Benefit Societies Act 2014, number 24287 R.

We welcome correspondence in English or Welsh and aim to provide an equal standard of service in both languages.

## **Purpose Statement**

- 1.1 The Wales Co-operative Centre recognises that enabling workers to raise genuine concerns of wrongdoing in is an important aspect of accountability and transparency.
- 1.2 “Whistleblowing” is the term used when a worker raises concerns about a danger, risk, malpractice or wrongdoing which affects others. This is also known as “making a disclosure in the public interest” or “blowing the whistle”.
- 1.3 This document is intended to enable those who become aware of wrongdoing at the Centre, to report their concerns at the earliest opportunity so that they can be properly investigated. This document outlines how this should be done in order that all disclosures are treated consistently.

## **Scope**

- 2.1 This document applies to workers associated with the Wales Co-operative Centre.

## **General Principles**

- 3.1 The Public Interest Disclosure Act 1998 gives legal protection to workers against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns.
- 3.2 In order to be protected by whistleblowing legislation, a worker who makes a disclosure must reasonably believe that:
  - a) They are acting in the public interest (i.e. they must affect the general public) and
  - b) That the disclosure tends to show past, present or likely future wrongdoings which fall into one or more of the following categories:
    - Criminal offences
    - Failure to comply with legal obligations
    - Miscarriages of justice
    - Endangering the health and safety of a person
    - Damage to the environment
    - Deliberately covering up any of the above

- 3.3 Any disclosures made must be genuine and legitimate concerns which, acting in good faith, the whistleblower reasonably believes in.
- 3.4 There will be no recriminations for raising a genuine concern in good faith, even if it is not upheld. Any individual who feels that they are suffering a detriment for having made a concern should report this to the HR and Corporate Support Manager.
- 3.5 The Centre will treat all disclosures seriously and sensitively. However, malicious and/or false allegations raised under this policy may be dealt with under the Centre's Disciplinary policy and procedures.
- 3.6 The Centre is not legally obliged to protect the confidentiality of a whistleblower. However reasonable efforts will be made to do so, provided that this does not impair any subsequent investigation. Whistleblowers should be aware that other people may still speculate about who has raised the concern.
- 3.7 Where an individual raises a concern anonymously, this will still be taken seriously, although action taken to investigate this may be limited by necessity. In addition, it will not ordinarily be possible to provide feedback to an anonymous whistleblower.
- 3.8 It should be emphasised that this policy is not intended to be used to:
- raise a personal grievance or complaint
  - question financial or business decisions taken by the Company
  - replace existing procedures e.g. if a concern relates to an individual's own treatment as an employee, it should be raised under the existing Grievance / Prevention of Bullying and Harassment policies. If a client has a concern about services provided to him/her, these should be raised under the Complaints procedure.
  - reconsider any matters which have already been addressed under harassment, complaint, disciplinary, grievance or other procedures

### **Procedure – Internal Disclosures**

- 4.1 Individuals wishing to raise any concerns which they reasonably believe falls under the scope of this policy should contact the HR and Corporate Support Manager in the first instance. If the disclosure or concern involves the HR and Corporate Support Manager in any way then individuals should contact the Director of Finance and Resources.

- 4.2 Wherever possible, concerns should be resolved informally. The HR and Corporate Support Manager (or Director of Finance and Resources) will discuss the concern, make discreet informal investigations where required and attempt to address the individual's concerns fairly and promptly.
- 4.3 If a resolution cannot be agreed, and the disclosure or concerns come within the scope of this procedure, an appropriate person will be appointed as an Investigating Officer to carry out an investigation.
- In normal circumstances, the Investigating Officer would be someone of Manager level or more senior and will be nominated by a member of the Senior Leadership Team. In addition, a supporting Board Member will be allocated to the investigation. The Board Member will be nominated by the Chair of the Board.
  - Where the disclosure relates to a member of the Senior Leadership Team, the Investigating Officer would be the Chief Executive. In addition, a supporting Board Member will be allocated to the investigation. The Board Member will be nominated by the Chair of the Board.
  - Where the disclosure relates to the Chief Executive, the Investigating Officer would be a Board Member. In addition, a further Board Member will be allocated to the investigation. Both Board Members will be nominated by the Chair of the Board.
  - Where the disclosure relates to the Chair of the Board, the Investigating Officer would be the Chief Executive and the Chair of the Risk and Audit Committee. Alternatively, in this situation the Centre may consider using one or more external investigators.
- 4.4 The Investigating Officer will write to the individual inviting them to attend a formal meeting to discuss the disclosure further. Where at all possible, this meeting should take place within 10 working days of appointing the Investigating Officer, unless it is mutually agreed to extend this. A representative from HR will attend the meetings. Individuals will have the right to be accompanied at any formal meetings by a Trade Union representative or work colleague of their choice.
- 4.5 As a result of the initial meeting the Investigating Officer may determine that it is necessary to make further enquiries. These enquiries will be made in conjunction with a representative from HR. The Investigating Officer will endeavour to ensure that these enquiries are completed within 20 working days, although in some circumstances this may need to be extended. In this

case, the whistleblower will be notified about the progress of the investigation and when it is likely to be concluded.

- 4.6 The Investigating Officer should consider whether it is necessary to involve any external parties.
- 4.7 In circumstances where disclosures are made against other Centre workers, these individuals should be notified as soon as possible. The person about whom the disclosure is made will be entitled to be accompanied to any formal meetings by a Trade Union representative or work colleague of their choice.
- 4.8 The Investigating Officer will review all information and summarise their findings in writing.
- In normal circumstances, the written findings would be passed to a member of the Senior Leadership Team (who had not been previously involved).
  - Where the disclosure relates to a member of the Senior Leadership Team, the written findings will be passed to the Chief Executive.
  - Where the disclosure relates to the Chief Executive, the written findings will be passed to the Chair of the Board.
  - Where the disclosure relates to the Chair of the Board, the Investigating Officer will be passed to another Board member.
- 4.9 The person receiving the written findings will decide what action to take.
- 4.10 The whistleblower, along with any individuals against whom a disclosure was made, will then be advised in writing about the outcome of the investigation, and what action, if any, will be taken. The outcome of the decision will be communicated within 10 working days of receiving the Investigating Officer's findings.
- 4.11 If the disclosure is justified then the Centre's disciplinary or other relevant procedures will be invoked where applicable.
- 4.12 If after this process is exhausted the whistleblower is not satisfied, they may request in writing that the matter to be reviewed. This request must be made within 10 working days of receiving the outcome and should include the reasons for referring the matter for further consideration.
- Under normal circumstances, the request for review should be made to the Chief Executive.
  - Where the concerns relate to the Chief Executive, the request for review should be made to the Chair of the Board.

- 4.13 The matter will then be considered by the Chief Executive (or Chair of the Board) in conjunction with a HR representative. Where a further meeting is required, this would ordinarily be held within 10 working days following receipt of the request for review, unless it is mutually agreed to extend this period.
- 4.14 In circumstances where a disclosure is made against other Centre workers, these individuals should be notified as soon as possible. The person about whom the disclosure is made will be entitled to be accompanied to any formal meetings by a Trade Union representative or work colleague of their choice.
- 4.15 If new evidence has come to light, further investigation may be carried out, either by the Chief Executive (or Chair of the Board) themselves or by an Investigating Officer nominated by them if this is more appropriate.
- 4.16 The Chief Executive (or Chair of the Board) will review all information and summarise their findings in writing.
- 4.17 The whistleblower, along with any individuals against whom a disclosure was made, will then be advised in writing about the outcome of the investigation, and what action, if any, will be taken. The outcome of the decision will be communicated within 20 working days of receiving the request for review.
- 4.18 If the disclosure is justified then the Centre's disciplinary or other relevant procedures will be invoked where applicable.
- 4.19 There will be no further internal process. The Centre also recognises the legal rights of individuals, where dissatisfied by the outcome of internal procedures, to make disclosures to prescribed persons (please see below).

### **Procedure – External Disclosures**

- 5.1 It should be emphasised that workers are expected to raise concerns internally in most situations. Where individuals do not feel this is appropriate, they may make a disclosure to a "Prescribed Person" and retain their rights under whistleblowing law.
- 5.2 Prescribed Persons are mainly regulators and professional bodies. The relevant prescribed person depends on the subject matter of the disclosure. A complete list of prescribed persons can be found here:  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of->

[prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies](#)

- 5.3 If a worker chooses to approach the media with their concerns, they should expect in most cases to lose the rights afforded to them under whistleblowing legislation.

### **Review**

- 6.1 This document will be reviewed on a biennial basis by the HR and Corporate Support Manager (or earlier in the event of relevant legislative changes).
- 6.2 The next date for review is 4<sup>th</sup> September 2022.